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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA ) CRIMINAL ACTION NO.  
 ) 2:18-cr-12  
vs. )  
 )  
RANDY SHELTRA, )  
Defendant. )

JURY TRIAL  
Thursday, November 12, 2020  
Burlington, Vermont

WITNESSES: Morgan J. Lawton  
Mark Curtis  
Matthew D. Raymond  
Frank J. Thornton, Jr.

BEFORE:

THE HONORABLE CHRISTINA C. REISS,  
District Judge

APPEARANCES:

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The Defendant appearing in person

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1 Thursday, November 12, 2020

2 (The following was held in open court without the jury  
3 present at 8:55 AM.)

4 COURTROOM DEPUTY: Your Honor, the matter before the  
5 Court is criminal case number 18-CR-12-1, United States of  
6 America vs. Randy Sheltra. Representing the Government are  
7 Assistant United States Attorneys Barbara Masterson and Andrew  
8 Gilman; the defendant is present today with his attorney, Mark  
9 Kaplan; and we are here for jury trial.

10 THE COURT: Good morning. I understand that counsel  
11 has some timing and housekeeping matters for me?

12 MS. MASTERSON: Thank you, your Honor. We just wanted  
13 to let the Court know, as we informed the Court yesterday, that  
14 our witness is out of the hospital and prepared to testify this  
15 morning.

16 THE COURT: Good.

17 MS. MASTERSON: And also based on our estimate of when  
18 the Government's case will conclude, we wanted to let the Court  
19 know that we think it will -- that we feel confident that it  
20 will be done by Monday.

21 THE COURT: Monday. Okay.

22 Anything to bring to my attention, Mr. Kaplan?

23 MR. KAPLAN: No, your Honor. Thank you.

24 THE COURT: All right. Let's bring back the jury.  
25 First we've got to make sure they're here, but we'll bring them

1 back.

2 (The following was held in open court with the jury  
3 present at 9:04 AM.)

4 COURTROOM DEPUTY: Your Honor, the matter before the  
5 Court is criminal case number 18-CR-12-1, United States of  
6 America vs. Randy Sheltra. Representing the Government are  
7 Assistant United States Attorneys Barbara Masterson and Andrew  
8 Gilman; the defendant is present today with his attorney, Mark  
9 Kaplan; and we are here for a jury trial.

10 THE COURT: Good morning, ladies and gentlemen of the  
11 jury.

12 Did any of you acquire any outside information, do any  
13 research, talk to anyone about the case, let anybody talk to  
14 you about the case, acquire any information whatsoever from any  
15 source that you need to disclose consistent with the Court's  
16 instructions? Seeing no hands raised.

17 I'm going to go through our COVID questionnaire before we  
18 have you sworn in.

19 Has anyone or a member of your household been exposed to  
20 COVID-19 or someone who has tested positive for COVID-19?  
21 Seeing no hands raised.

22 Have you experienced any cold or flu-like symptoms in the  
23 last 14 days, including fever, chills, cough, sore throat, new  
24 loss of sense of taste or smell, muscle pain, respiratory  
25 illness, shortness of breath, or difficulty breathing? No

1 hands are raised.

2 Have you or a member of your household been told to  
3 quarantine? No hands are raised.

4 And we have covered the other questions with the final  
5 one: Do you have any concerns related to COVID-19 and your  
6 jury service? No hands raised.

7 We will have you sworn in as jurors.

8 (The jury was sworn.)

9 THE COURT: I'm going to -- we're going to start with  
10 opening statements, and as always, we're going to start with  
11 the Government.

12 MR. GILMAN: May it please the Court.

13 Ladies and gentlemen of the jury, in September of 2017,  
14 the defendant, Randy Sheltra, showed up to meet who he thought  
15 was a mother and her 10-year-old daughter because he wanted to  
16 have sex with both of them. Over four days Sheltra had sent  
17 emails and text messages to the mother about having sex with  
18 her and her daughter. But when Sheltra arrived in South  
19 Burlington, Vermont, to meet them, he was instead met by law  
20 enforcement, and he was arrested. Sheltra had actually been  
21 communicating with an undercover officer.

22 A search of Sheltra's cell phone revealed that, days  
23 before, Randy Sheltra had sent emails and text messages to a  
24 real 15-year-old girl in Orange, Vermont. Randy Sheltra had  
25 attempted to persuade the girl to engage in sexual activity

1 with him. He had even met her in person. He had also asked  
2 her, a minor, to send him sexually explicit pictures of her  
3 genitalia. That is why we are here today.

4 The Government expects the evidence you will hear will  
5 include the following: Generally you will hear that Sheltra  
6 placed advertisements in the personals section of Craigslist  
7 looking to meet people over the Internet. Sheltra posted one  
8 such advertisement looking for a woman, Alisha, who, according  
9 to Sheltra, was about 25 or 26 with a daughter who was about 9  
10 or 10. Sheltra had noted in the post that he and Alisha had  
11 "numerous hot discussions but never actually got together."  
12 Sheltra added that they shared "a very specific kind of taboo  
13 kink" and hoped that they "can all finally get together."

14 You will hear from Morgan Lawton, who was assigned to the  
15 Chittenden County Unit for Special Investigations, which  
16 investigates sex crimes against children. While working in an  
17 undercover law enforcement capacity, Ms. Lawton responded to  
18 Sheltra's advertisement and pretended to be a single mom, Meg,  
19 of a 10-year-old girl, Maddie. She asked if Sheltra had found  
20 Alisha. The undercover also told Sheltra that she might have  
21 something in common with Alisha.

22 Over the next four days, Sheltra exchanged emails with the  
23 undercover. The conversation progressed to sex and the very  
24 graphic sexual acts that Sheltra wanted to perform on the  
25 daughter. In one instance Sheltra wrote to the undercover,

1 "When my mouth is bringing pleasure to your daughter, it will  
2 be you that is holding her hand, caressing her, and encouraging  
3 her."

4 In another message to the undercover, Sheltra wrote of  
5 positioning Maddie, the purported 10-year-old, so that Sheltra  
6 could "tongue her young labia and stimulate her clit with his  
7 lips and tongue."

8 These are sex acts that Randy Sheltra wanted to perform on  
9 a 10-year-old girl.

10 On the fourth day, Sheltra arranged to meet Meg and  
11 Maddie, but when Sheltra showed up, special agents of Homeland  
12 Security Investigations met him instead and arrested him. You  
13 will hear from Special Agent Mark Curtis, who arrested Sheltra.  
14 You will see a video of the arrest. And you will learn it was  
15 then that Agent Curtis seized a cell phone from Sheltra's  
16 pocket. You will also hear that law enforcement obtained a  
17 search warrant for that cell phone and provided the cell phone  
18 to Frank Thornton, a retired police officer who now works as an  
19 examiner of electronic devices, including cell phones.

20 Mr. Thornton will tell you that he extracted the data from  
21 that cell phone taken from Sheltra's pocket, and through that  
22 extraction, law enforcement learned in the days before he had  
23 chatted with the undercover, Mr. Sheltra had chatted with and  
24 met a real 15-year-old girl who lived in Orange, Vermont.

25 The 15-year-old girl, who I'll refer to by her initials,

1 ER, had responded to another of Sheltra's advertisements on  
2 Craigslist. On the first night of their communications,  
3 Sheltra and ER engaged in sexually explicit chatter, including  
4 sending photographs to each other. In response to one of the  
5 15-year-old's photos, Sheltra wrote, "you're amazing. I would  
6 so love to be inside you. BTW," by the way, "I've had a  
7 vasectomy." Sheltra was willing to drive two hours in the  
8 middle of that night to meet ER, but ultimately they did not  
9 meet that night. Instead they continued messaging and met up  
10 in person the next day.

11 From other communications on Sheltra's phone, you will  
12 hear in Sheltra's own words how Sheltra met the 15-year-old  
13 girl, what Sheltra thought of her body, and what happened when  
14 Sheltra met her in person.

15 In the days after meeting each other, Sheltra and the  
16 15-year-old girl, ER, continued to send text messages to each  
17 other, including about school, the 15-year-old's boyfriend, and  
18 sex. In these communications, on two separate occasions,  
19 Sheltra asked the 15-year-old girl for sexually explicit photos  
20 of her genitalia. In one text message, Sheltra asked ER, "can  
21 I see a pic of your labia hun? I wanna feel it engulf me.  
22 Mmmmmmm." And about an hour and a half later, Sheltra again  
23 messaged ER, "I'd like to see those pussy lips hun," and "I  
24 hope you will send me a pic of them at some point."

25 Ladies and gentlemen, an explicit photograph of a

1 15-year-old girl's genitalia is what is called child  
2 pornography. Fortunately, ER did not send him the photos he  
3 was requesting.

4 The Government will not call ER, the 15-year-old victim,  
5 to testify, but you will hear from Special Agent Timothy  
6 O'Leary with Homeland Security Investigations, and he will tell  
7 you that he met ER, that she is in fact a real person, and that  
8 she is the same person that appears in the photos on Sheltra's  
9 phone. As I mentioned before, you will also see communications  
10 from Sheltra where he describes meeting ER.

11 For attempting to persuade who he thought was a mother and  
12 her child to engage in illegal sexual activity with him,  
13 Sheltra is charged with attempting to entice or persuade a  
14 minor to engage in that sexual activity.

15 For attempting to persuade the real 15-year-old girl to  
16 engage in illegal sexual activity with him, Sheltra is again  
17 charged with attempting to entice or persuade a minor to engage  
18 in that sexual activity.

19 And for asking a real 15-year-old girl to send him  
20 sexually explicit photographs of her genitalia, Sheltra is  
21 charged with attempting to receive child pornography.

22 At trial we will prove beyond a reasonable doubt that  
23 Sheltra committed these crimes. We'll prove this in part  
24 through the witness testimony I've described as well as  
25 electronic evidence and records, including Sheltra's own

1 communications. The communications between Sheltra and the  
2 undercover officer as well as communications between Sheltra  
3 and ER are the meat and bones of this case. I expect that you  
4 will hear them in their full graphic detail.

5 You will see and hear other evidence corroborating these  
6 communications, including Sheltra's cell phone, his web and  
7 search history, his email and cell records, as well as  
8 photographs that Sheltra sent and received.

9 After you have seen and heard all the evidence, you'll  
10 hear from the Government again when my colleague, Ms.  
11 Masterson, will address you. In the meantime, we ask that you  
12 pay close attention, and we thank you for your time.

13 THE COURT: Opening statement by the defendant?

14 MR. KAPLAN: Yes, your Honor. Thank you.

15 Good morning, ladies and gentlemen. As you know, I  
16 represent Randy Sheltra, who's been sitting next to me at the  
17 defense table. And Mr. Sheltra has entrusted his fate to each  
18 and every one of you. And after having had the opportunity to  
19 observe you during the jury selection process, I am confident  
20 that he will receive and be treated fairly by yourselves.

21 Before I review with you the evidence that I submit that  
22 you'll hear in this case -- and by the way, the prosecutor just  
23 told you as if it was fact what the evidence is, but it will be  
24 your decision to decide whether or not that's true. What  
25 either one of us says to you is not evidence. It's what you

1 hear from the jurors [sic] in this case and from the documents  
2 in this case. You make the decision from that. So I will tell  
3 you what I submit you will hear during the -- during the course  
4 of this trial, but you'll have to decide if in fact you hear  
5 that and what you think about it.

6       But before I do that, there is one issue I'd like to  
7 reemphasize with you, and that is that during the jury  
8 selection process, there was quite a bit of discussion about  
9 the fact that you're going to be hearing some graphic details  
10 about certain conversations that took place and pictures that  
11 are somewhat graphic and may be disturbing to some of you. And  
12 I would just simply remind you that each and every one of you  
13 promised that you could sit with an open mind and listen to the  
14 evidence and make a decision based on the evidence and not some  
15 extraneous factors that might be affecting you.

16       As Judge Reiss put it to you during the jury selection  
17 process, we are looking for individuals that could start this  
18 process with a blank -- blank sheet -- or blank slate. You  
19 know, let me just say, not that -- I can't emphasize how  
20 important that is enough, that, as I indicated to you during  
21 the jury selection process, we weren't looking for individuals  
22 that would favor one side over the other but, rather, as I just  
23 said, individuals that could be objective in listening to the  
24 evidence.

25       Now, you've heard from the prosecutor in this case that on

1 or about August 17th of 2017, Mr. Sheltra posted an ad on  
2 Craigslist. And the ad indicated that he was looking for a  
3 woman named Alisha, and he identified Alisha as someone who had  
4 a 9- or 10-year-old daughter. And he further identified Alisha  
5 as someone who shared some of the same taboos that he had, or  
6 words to that effect. And about sometime shortly after that ad  
7 was posted, the undercover agent, who apparently was trolling  
8 the Internet looking for individuals that she could target who  
9 she felt would be interested in having sexual relations with a  
10 minor, saw the ad. And she immediately assumed that what Mr.  
11 Sheltra was saying was that he wanted to have a sexual  
12 relationship with Alisha's daughter.

13 I would submit to you that as you listen to the evidence  
14 I'm about to describe to you, that it's important to understand  
15 why Mr. Sheltra posted that ad. In other words, it's important  
16 for you to understand who was Alisha, what was Mr. Sheltra's  
17 relationship with her, and why was he looking for her.

18 You will hear evidence that on or about June of 2016, Mr.  
19 Sheltra responded to an ad that someone who called themselves  
20 Alisha had posted on Craigslist. And Alisha's ad said that she  
21 was looking for someone to go out with on a Saturday night.  
22 And Mr. Sheltra responded saying, sure, that's something I  
23 would be interested in doing. The ad that Mr. Sheltra  
24 responded to said nothing about minors or being involved in a  
25 sexual relationship with a minor.

1       The prosecutor told you in his opening that Mr. Sheltra  
2 posted other ads on Craigslist, and you will see evidence that  
3 every ad that Mr. Sheltra posted on Craigslist never mentioned  
4 the word "minor," never indicated in any way that he was  
5 interested in having a sexual relationship with a minor. Every  
6 one of his ads, the evidence will show as you listen to it and  
7 see it, was that he was looking for a woman in her 20s or  
8 older.

9       So Mr. Sheltra responds to the ad that the individual who  
10 called themselves Alisha had posted. And at about the time  
11 that he responded to that ad, the investigation that took place  
12 in this case will show that at that time Mr. Sheltra was 53  
13 years old, divorced, and a fairly lonely individual. The  
14 investigation showed that he has no criminal record. The  
15 investigation shows that he had worked at IBM, and then  
16 GlobalFoundries when they took over, for approximately 30  
17 years. And during 23 years of that 30-year term of employment,  
18 he was a supervisor, supervising between five and 30  
19 individuals at any given time.

20       As I said, so he responds to the ad, and he immediately  
21 starts communicating on a regular basis through email with a  
22 person who called himself Alisha. And you will have an  
23 opportunity to see those emails and review them and judge for  
24 yourself what they say and what they mean. But you'll see in  
25 looking at the emails that almost immediately Alisha makes it

1 clear that she was interested in having a sexual relationship  
2 with Mr. Sheltra. And, of course, Mr. Sheltra jumped at the  
3 opportunity for that sexual relationship.

4 But as they got closer and closer to setting a time when  
5 they were going to meet and this was going to take place,  
6 Alisha then informs Mr. Sheltra that she has a young daughter  
7 but that they could still meet in a car and have sex in the  
8 front seat while the daughter's in the back seat. And you will  
9 see in looking at the emails that Mr. Sheltra immediately,  
10 without hesitation, says, "No, I won't do that. I don't think  
11 it's appropriate to have sex in front of a minor."

12 His suggestion, since he's really, you will see from the  
13 evidence, very desirous of meeting Alisha -- because, by the  
14 way, she had sent him a photograph of a young, attractive  
15 woman. So he says, "Rather than do that, why don't I rent a  
16 hotel room with two beds, and your daughter can sleep in one  
17 bed, and when she's asleep, we can fool around in the other  
18 bed." And even went so far as to say that I -- "I probably can  
19 find a hotel with a swimming pool so your daughter will get  
20 tired out more quickly."

21 This kind of a conversation goes on for a while, and then  
22 at some point Alisha sort of steps up the nature of the  
23 conversation. She starts talking about the fact that when she  
24 was a child, her mother had her watch sexual acts that her  
25 mother was engaged in at the time. And you will see in looking

1 at those emails with Alisha that Mr. Sheltra is just totally  
2 shocked by that. He can't imagine that taking place, based  
3 upon what you will see in that email correspondence.

4 And when Mr. Sheltra keeps talking about his interest in  
5 Alisha and doesn't indicate an interest in the child, Alisha  
6 starts then talking about, "Well, my daughter -- my daughter  
7 and I are in Atlanta, Georgia, and I'm having sex with a lot of  
8 different guys. And by the way, my daughter is also." Which,  
9 again, you'll see as you look at the emails, shocks Mr.  
10 Sheltra.

11 At some point after this kind of a conversation goes on  
12 back and forth, Mr. Sheltra expresses an interest in Alisha's  
13 daughter, and you'll see from the emails that it's clear that  
14 if he doesn't do that, he's not going to have a relationship  
15 with the mother.

16 I would submit to you that there are two other aspects of  
17 his conversations with Alisha that are relevant to what took  
18 place between ER and the undercover agent in this case, and  
19 that is that I submit to you when you look at the email  
20 correspondence between Mr. Sheltra and Alisha, you're going to  
21 see that he is really into fantasies big time. He says to  
22 Alisha -- Alisha starts having all of this sex talk about  
23 things she's done in the past with animals and with other  
24 things, and Mr. Sheltra responds, and you can tell that he's  
25 imagining all of this stuff taking place, that it really does

1 excite him to think about what someone else is doing in their  
2 sexual life.

3       And the other aspect I submit you will see as you review  
4 these emails is that he really never initiates any type of  
5 conversation. He always responds to it. So it's not Mr.  
6 Sheltra who says let's do this or let's do that. It's either  
7 Alisha or the undercover agent who does that, and then he  
8 responds. And it's clear from his response, I submit, that he  
9 really does enjoy the sexual banter going back and forth,  
10 language that most people would not find acceptable but to  
11 Mr. -- to Mr. Sheltra, being somewhat of a voyeur, I would  
12 submit to you, it is acceptable, and it's enjoyable for him.

13       So the question is, Does he mean it or doesn't he? Does  
14 he mean what he says or does he not mean what he says? Would  
15 something have actually happened if given the opportunity?

16       For some reason -- you will see evidence that Alisha stops  
17 communicating with Mr. Sheltra around July of 2016. So for the  
18 next six months, he periodically would send her an email  
19 saying, "Where are you? How are you doing? How's your  
20 daughter doing?" And that's -- and what resulted in that  
21 stream of emails after she stopped communicating with him was  
22 the August 17th, 2017, notice or ad that he placed on  
23 Craigslist saying that he was looking for a woman named Alisha.

24       I submit to you that you will see several similarities  
25 between how he reacted to the undercover agent and to Alisha.

1 It was the undercover agent who first contacted Mr. Sheltra.  
2 It was the undercover agent who first raised the issue that she  
3 had a daughter, and she indicated to Mr. Sheltra that maybe she  
4 had things in common with Alisha.

5 Mr. Sheltra responded by telling her, the undercover  
6 agent, that nothing ever happened between him and Alisha's  
7 daughter or with Alisha, for that matter. And Mr. Sheltra, if  
8 you look at these emails closely, rather than respond to the  
9 undercover agent saying, "Yes, I'm interested in your daughter.  
10 Let's do something," he says to her, "Please send me a picture  
11 of you. I'd like to know more about you," never making  
12 reference that he was interested in the daughter.

13 So the undercover agent, I'll submit to you, to keep him  
14 interested and on the hook, sends him a picture of a -- sends  
15 Mr. Sheltra a picture of an attractive young woman. Mr.  
16 Sheltra gets the picture, and you'll see in the emails that  
17 that really excites him because he's -- now he's in contact and  
18 communicating with an attractive young woman who seems to be  
19 interested in him. And again, he says to her, "Tell me about  
20 all your sexual fantasies. I want to know everything about  
21 you. I want to know what it is that you dream about, what you  
22 do in your sexual life, because when I go to bed, I like to  
23 think about other people's -- I want to be able to think about  
24 your sexual fantasies."

25 The same kind of banter and the sexual context that he did

1 with Alisha he's doing with -- with the undercover agent. And  
2 he's not saying to her at this point "I'm interested in your  
3 daughter." And it's clear, I submit to you, from the email  
4 correspondence that that's exactly what the undercover agent is  
5 trying to get him to say. When that doesn't work, you'll see  
6 further on in the email correspondence that the undercover  
7 agent then says -- undercover police officer then says to Mr.  
8 Sheltra, "Well, you know, my daughter's seen things that she  
9 shouldn't have seen, and maybe I should let her do more stuff  
10 with men," something along those lines, "and I know what I  
11 want," clearly signaling to Mr. Sheltra that she's about to let  
12 her daughter have sex with him or engage in a sexual  
13 relationship.

14 And just take a look, again, what is his response. His  
15 response is no, not that I'd be interested in having sex with  
16 your daughter. His response is, "I want to know more about  
17 you. Tell me what your sexual fantasies are again," and he  
18 goes on and on along those lines until at some point, just like  
19 with Alisha, it occurs to him that if he doesn't express an  
20 interest in the daughter, he's not going to have a contact with  
21 this beautiful young woman whose picture he was sent if he  
22 doesn't engage in the same kind of sexual banter with her that  
23 he did with Alisha.

24 So I'd say to you that it's the same question: Was he  
25 serious in what he said? Would he really have done some of the

1 things that he talked about with the undercover agent? Or is  
2 he just someone that was exercising his fantasies and engaging  
3 in sexual context because that -- that conversation because  
4 that stimulated himself?

5 I would also ask you to take into consideration why it was  
6 that the police had him drive all the way from Alburgh to South  
7 Burlington to be arrested. If that email conversation that  
8 went on for four days that the prosecutor told you all about  
9 and read to you was so compelling, why didn't they just go to  
10 his house and arrest him on the spot?

11 You know, when you -- when you take a look at what took  
12 place between ER and Mr. Sheltra, it's somewhat of a similar  
13 story. ER is the one that contacts Mr. Sheltra. She responds  
14 to one of the ads that I told you about that Mr. Sheltra was  
15 posting on Craigslist, and she said essentially that I'm -- "I  
16 saw your ad. I'd like to respond to it. I'm interested in  
17 older men." And right near the beginning of the conversation,  
18 when Mr. Sheltra finds out that she's not of age, he says to  
19 her, "That's fine," essentially "we can talk, but nothing's  
20 ever going to happen because I'm not about to get arrested, so  
21 I'm not doing anything if you're not old enough." And he  
22 never, ever changed that position, I submit to you. And if you  
23 read the emails, you should take a look at that and see if  
24 that's true or not.

25 I submit to you that the evidence does not support that

1 when he met with her something took place between them.  
2 Because if you look at all of the email conversations that took  
3 place after that, there's never any kind of a reference to it.  
4 Neither one of them ever said something happened and they  
5 either enjoyed it or didn't enjoy it or were annoyed by it.  
6 And I submit to you that someone would have said something if  
7 something occurred other than just conversation.

8 So I understand, and I think probably we all do by now,  
9 just how uncomfortable these conversations are that you're  
10 about to hear, and you've heard bits about now, and I guarantee  
11 you that when this is done and I'm doing my closing, I'm not  
12 going to ask you to give my client the good citizenship award.  
13 I'm not going to suggest to you that you should condone his  
14 behavior or say that the conversations that he had are  
15 acceptable in polite society.

16 But the question is, Did he act in an illegal manner? Was  
17 he really -- was he just really a foolish old man -- older  
18 man - I shouldn't say "old" because he's younger than me - who  
19 was just energized on fantasies and sexual conversation? And I  
20 would encourage you as you listen to this case to be careful  
21 that you don't criminalize someone's free speech.

22 Thank you. Appreciate it.

23 THE COURT: At this point we begin the presentation of  
24 evidence, and as always, we start with the Government's case.

25 The Government may call its first witness.

1 MR. GILMAN: Thank you, your Honor. The Government  
2 calls Morgan Lawton.

3                   COURTROOM DEPUTY: Mr. Gilman, I need to swear the  
4 witness in at that podium. And you can stop right -- please  
5 raise your right hand. State your full name for the record.

6 THE WITNESS: Morgan Lawton.

7 MORGAN J. LAWTON,

8 having been first duly sworn by the courtroom deputy,

9 was examined and testified as follows:

10 THE COURT: And, Ms. Lawton, you keep the shield on.

11 THE WITNESS: Okay.

12 THE COURT: You can take the mask off. And speak  
13 right into the microphone. Thank you.

14 THE WITNESS: Okay.

15 MR. GILMAN: Your Honor, may I inquire?

16 THE COURT: You may.

17 DIRECT EXAMINATION

18 BY MR. GILMAN:

19 Q Good morning, Ms. Lawton.

20 A Good morning.

21 Q Who do you work for currently?

22 A I currently work for the State of Vermont Department of  
23 Children and Families, Family Services Division.

24 Q What is your position there?

25 A I'm a family services worker.

1 Q And briefly, what are your responsibilities in that role?

2 A In that role I investigate and assess reports of child  
3 abuse and neglect that are made to Vermont's reporting hotline.

4 Q How long have you worked there?

5 A I've worked there for about two and a half years.

6 Q Do you have prior law enforcement experience?

7 A Yes, I do.

8 Q Where did you work previously?

9 A Before that I worked for the Essex Police Department.

10 Q How long did you work there?

11 A I worked there for 13 years.

12 Q What positions did you hold there at the Essex Police  
13 Department?

14 A I -- initially I was a patrol officer, and in 2009 I began  
15 working as a general detective, and in 2012 I was assigned to  
16 the Unit for -- Chittenden Unit for Special Investigations.

17 Q Prior to joining law enforcement, what was your  
18 educational background?

19 A I have a bachelor's degree in criminal justice from  
20 Champlain College that I actually finished after I joined law  
21 enforcement.

22 Q What training did you receive to become a police officer?

23 A I attended the Vermont Police Academy, which is a 16-week  
24 training course, covering the general job responsibilities in  
25 law enforcement as well as legal issues.

1 Q You mentioned some of your roles --

2 A Yes.

3 Q -- at the police department. Was there a time there when  
4 you were assigned to investigate crimes against children?

5 A Yes.

6 Q And what -- what assignment was that?

7 A So in 2012 I was assigned to a unit called Chittenden Unit  
8 for Special Investigations. It's also called CUSI as an  
9 abbreviation. And that unit investigates crimes against  
10 children as well as sexual crimes against adults throughout  
11 Chittenden County.

12 Q Thank you. Did you receive training specifically in the  
13 area of investigating child exploitation offenses in that  
14 capacity?

15 A Yes, I did.

16 Q Did you also receive training on being an undercover in  
17 that capacity?

18 A Yes, I did.

19 Q Can you summarize for the jury some of your training.

20 A Sure. So in 2012, shortly after I was assigned to the  
21 unit, I was given training through the Internet Crimes Against  
22 Children Task Force about conducting child exploitation  
23 investigations involving the Internet. That was a three-day  
24 course that I traveled out of state and attended.

25 And then in the summer of 2017, I was given training about

1 undercover investigations targeted around child exploitation on  
2 the Internet.

3 Q Regarding that undercover training, could you share with  
4 the jury some of what you learned.

5 A Sure. So the training that I received around conducting  
6 undercover operations for child exploitation kind of focused on  
7 from beginning to end, the ways that we do that and generally  
8 involves using either chat applications, social media websites,  
9 or other websites where people can post things, like  
10 Craigslist, and targeting either postings or -- or individuals  
11 whose profiles are suspicious for an interest in sexually  
12 abusing children.

13 And then once that profile or that ad is identified, you  
14 make contact with -- with the person that posted that ad or the  
15 profile and initiate conversation. The training that I had  
16 around those conversations was to let the other person be in  
17 control of the topic of conversation, the kind of tone of the  
18 conversation, the pace of the conversation to try to determine,  
19 you know, whether it's someone that is interested or looking to  
20 sexually abuse children or not.

21 Q Thank you. Turning your attention to September 7th, 2017,  
22 were you working as an undercover then?

23 A Yes, I was.

24 Q What were you doing?

25 A So on that date I was working as an undercover, and I was

1 using the website Craigslist to look for suspicious posts.

2 Q And if you found a suspicious post, what -- what did you  
3 do?

4 A So I did find a suspicious post on that date, and I  
5 responded to it.

6 Q I want to take one step back --

7 A Okay.

8 Q -- and ask you to explain for the jury, what is  
9 Craigslist?

10 A So Craigslist is a website that people can post -- I guess  
11 it's basically online classified ads in various different  
12 categories, and it has various sections for anything from  
13 people selling things, giving things away, I think real estate,  
14 and it also has sections where -- basically online personal  
15 ads, people looking for other people.

16 Q Now, I believe you mentioned while working on September  
17 7th, 2017, that you noticed an ad?

18 A Yes.

19 Q I'd like to show you on -- on your screen, if I may,  
20 Government Exhibit 1, which -- what's been marked for  
21 identification as Government's Exhibit 1.

22 THE COURT: So if you show it to her screen, that's  
23 going to be visible for the jury.

24 MR. GILMAN: I apologize, your Honor.

25 THE COURT: Yes.

1 Q I meant if you could please refer to your binder in front  
2 of you and look at Government Exhibit 1 there, after which  
3 hopefully we'll get to the screen.

4 Do you recognize Government's Exhibit 1?

5 A Yes, I do.

6 Q What is it?

7 A It is the Craigslist ad that I identified on that date and  
8 responded to.

9 Q That date -- what date was that again?

10 A September 7th.

11 Q Okay. Is this a true and accurate copy of that post?

12 A Yes, it is.

13 MR. GILMAN: The Government offers Government Exhibit  
14 1 into evidence.

15 THE COURT: Any objection?

16 MR. KAPLAN: Can I have a moment, Judge, please?

17 THE COURT: You may.

18 MR. KAPLAN: If I could voir dire briefly, Judge.

19 THE COURT: You may.

20 VOIR DIRE EXAMINATION

21 BY MR. KAPLAN:

22 Q So is that the ad that you responded to?

23 A Yes.

24 Q And did you just happen to see that just by trolling  
25 through Craigslist?

1 A No. I was searching for certain terms.

2 Q Were you searching for that particular ad?

3 A No. I didn't know that particular ad existed until I saw  
4 it.

5 Q Did you know -- had you heard about Mr. Sheltra before?

6 A No.

7 MR. KAPLAN: I have no objection, your Honor.

8 THE COURT: Government's Exhibit 1 is admitted.

9 (Government's Exhibit 1 was received in evidence.)

10 MR. GILMAN: May we -- now that Government Exhibit 1  
11 has been admitted, may we publish it, your Honor?

12 THE COURT: You may.

13 And let me tell the members of the jury, one of the things  
14 people told me after a trial is to tell the other jurors the  
15 screens tilt, so you can move the screen in a way that makes it  
16 easier for you to see. And the attorneys also have a way to  
17 blow this up, so don't go to too many machinations to get it to  
18 be turned.

19 MR. GILMAN: In response to --

20 JUROR MEDICK: Excuse me. My screen went blank.

21 THE COURT: Your screen is blank. That's a good thing  
22 to tell us.

23 JUROR: Mine is really small, but --

24 THE COURT: It is really small. As I say, they have a  
25 way to blow it up. But blank is going to be different than

1 small. Small can be fixed. Blank is going to be fixed by our  
2 IT person.

3 (Pause in the proceedings.)

4 THE COURT: So we'll have Ms. Medick step out of the  
5 booth so we don't have you too close to people working on it.  
6 Ms. Medick, you'll just take a seat over here so we can  
7 socially distance. Ms. Ruddy is actually pretty good at fixing  
8 things, and somebody who's very good at fixing things will be  
9 in shortly.

10 Josh, you come here. We can get you a set of gloves.

11 COURTROOM DEPUTY: And I think we're good.

12 THE COURT: Him coming in the room has the effect of  
13 fixing things.

14 MR. GILMAN: May I continue, your Honor?

15 THE COURT: You may.

16 DIRECT EXAMINATION (Continued)

17 BY MR. GILMAN:

18 Q Ms. Lawton, Mr. Kaplan asked you a question about what you  
19 were doing at the time on Craigslist to encounter this post.  
20 Could you elaborate for the jury? What were you looking for on  
21 Craigslist?

22 A Sure. One of the keywords that I was searching for was  
23 "taboo." That's a phrase that, based on my training and  
24 experience, can indicate an interest -- sexual interest in  
25 children.

1 Q Based on your training and experience, why is the phrase  
2 "taboo" a trigger?

3 A So based on my training and experience, people using the  
4 phrase "taboo" are often referring to either pedophilia and/or  
5 incest.

6 Q Just so we have a baseline, based on your training and  
7 experience, can you explain pedophilia for the jury?

8 A So pedophilia is sexual interest in children.

9 Q And based on your training and experience, could you  
10 explain what incest is?

11 A Incest is sexual activity between people that are related,  
12 such as father-daughter, mother-daughter, mother-son,  
13 brother-sister.

14 MR. GILMAN: Ms. LaBombard, I'm wondering if we can  
15 zoom in on the post here in Government Exhibit 1. Thank you.

16 Q Looking at Government Exhibit 1, Ms. Lawton, could you  
17 read this post, including the title, to the jury.

18 A Sure. The title is "Looking for Alisha - m4w (Was from  
19 WRJ area): I'm looking for a woman named Alisha, who's about  
20 25 or 26, with a daughter about 9 or 10. I replied to her  
21 post, and we had numerous hot discussions, but never actually  
22 got together. I've regretted it ever since. You are sexy, and  
23 hot, and we share a very specific kind of taboo kink. We need  
24 to meet if you're around! The last time we communicated you  
25 and your daughter were in Atlanta having a lot of fun. I'm

1 hoping you are back in VT now, and we can all finally get  
2 together, and make it all happen. I want it all bad! I'm  
3 hoping you see this ad reply ASAP!"

4 Q Thank you. Based on your training and experience, what  
5 does "m4w" stand for?

6 A Man for woman.

7 Q Now, having read this post, could you explain to the jury  
8 what about it drew your attention?

9 A So the kind of first thing that drew my attention, like I  
10 said before, was the key word "taboo." So that's kind of what  
11 focused me in on this post. And then reading about it  
12 continued to draw my attention that it referenced a child, a 9-  
13 or 10-year-old daughter in it, as well as talking about hot  
14 discussions and the communication being sexy.

15 Another thing that caught my attention or -- or made me  
16 suspicious regarding child sexual abuse was the phrase "we can  
17 all finally get together, and make it all happen."

18 Q There's also the phrase "kink" included in this  
19 advertisement. Based on your training and experience, what do  
20 you understand that phrase to mean?

21 MR. KAPLAN: Objection, your Honor.

22 THE COURT: Basis?

23 MR. KAPLAN: Speculative. Certain training and  
24 experience can't account for every word that she runs into in  
25 these ads.

1                   THE COURT: So some of these words have a commonplace  
2 meaning. Sometimes they have specialized meaning. You need to  
3 lay a foundation that this has some specialized meaning.

4 Q       In the context of Craigslist personals, does the term  
5 "kink" have any particular meaning?

6 A       Yes.

7 Q       And in your experience, what is that?

8 A       In my experience --

9                   MR. KAPLAN: Your Honor, I know I'm premature, but I'm  
10 concerned that she's going to relate it to something that --  
11 everybody knows that has lots of different meanings.

12                  THE COURT: So the objection's sustained because the  
13 foundation hasn't been laid that this term has a particular  
14 meaning other than the one that every ordinary citizen might  
15 attribute to it.

16                  MR. GILMAN: Thank you, your Honor.

17 Q       I'd like you, Ms. Lawton, to turn to Government Exhibit 15  
18 in the binder. Do you recognize this?

19 A       Yes, I do.

20 Q       What is it?

21 A       It's a business record from Craigslist related to the ad  
22 that I just read.

23                  MR. GILMAN: The Government offers Government Exhibit  
24 15 pursuant to its motion *in limine*.

25                  THE COURT: Any objection?

1           MR. KAPLAN: Is that the same exhibit as the one  
2 that's already been introduced? It looks different.

3           MR. GILMAN: It's a business record from Craigslist  
4 relating to the same posting that we just discussed.

5           THE COURT: I think this is -- is this the metadata  
6 for it?

7           MR. GILMAN: It includes additional information, your  
8 Honor.

9           THE COURT: All right. Any objection to Government  
10 Exhibit 15?

11          MR. KAPLAN: No, your Honor.

12          THE COURT: It's admitted.

13          (Government's Exhibit 15 was received in evidence.)

14          MR. GILMAN: May we publish Government Exhibit 15?

15          THE COURT: You may.

16          MR. GILMAN: Thank you.

17 Q         BY MR. GILMAN: Looking at Government Exhibit 15, is this  
18 the same Craigslist post as in Government Exhibit 1?

19 A         Yes, it is.

20          MR. GILMAN: Could we zoom in on the top half of this  
21 document.

22 Q         What is the posting ID?

23 A         So the posting ID is this number right here, which is  
24 6264477643.

25 Q         And could you also indicate what the poster email is.

1 A Sure. The poster email right here is shelrw001@gmail.com.

2 MR. GILMAN: Could we zoom out. Thanks, Ms.

3 LaBombard. Can we look at the posting title in the body.

4 Q What is the posting title?

5 A So the posting title is "Looking for Alisha - m4w."

6 Q And --

7 A Right here.

8 Q Thank you. So what, if anything, did you do in response  
9 to observing this Craigslist posting?

10 A I replied to this Craigslist post.

11 Q Now, before you replied, did you do anything?

12 A So I replied using an undercover email or undercover  
13 persona.

14 Q What is an undercover persona?

15 A An undercover persona is a persona that you take on to  
16 communicate with either an ad or someone on a social media site  
17 that is meant to kind of help you communicate with this person  
18 to determine what it is they are looking for and continue the  
19 investigation.

20 Q What persona did you create here?

21 A In this case I used the persona of a mother named Megan, a  
22 single mother who had a 10-year-old daughter named Maddie.

23 Q What method did you use to respond?

24 A I used a Gmail email account and replied through the  
25 Craigslist email relay system.

1 Q I'd like you to take a look at Government Exhibit 2 before  
2 you in the binder. Do you recognize this?

3 A Yes, I do.

4 Q What is it?

5 A It is the emails that I -- initial reply to the Craigslist  
6 post as well as emails that were exchanged after the fact.

7 Q Did you print out this document?

8 A I didn't print this document, but I did save these emails,  
9 and it appears this is a printout of what I saved.

10 Q Thank you for that correction. Is this a true and  
11 accurate copy of those emails?

12 A Yes.

13 Q Is this a complete copy?

14 A Yes.

15 MR. GILMAN: The Government offers Government Exhibit  
16 2 into evidence.

17 THE COURT: Any objection?

18 MR. KAPLAN: If I could voir dire, Judge, briefly.

19 THE COURT: You may.

20 VOIR DIRE EXAMINATION

21 BY MR. KAPLAN:

22 Q How do you know it's a true and accurate copy?

23 A Because I was the one who sent and received these emails  
24 and saved it, and I just looked through it.

25 Q So you didn't compare it to anything else; you just read

1 that yourself?

2 A What do you mean?

3 Q Did you compare it to the original that was in the phone?

4 A When I saved it, I saved it from the device I was using,  
5 so I'm not sure --

6 Q So that's not in your Gmail account?

7 A On the Gmail account I was using, yes.

8 Q And did you compare that to what's on your Gmail account?

9 A This here?

10 Q Yes.

11 A No.

12 Q So do you know if it's the same?

13 A It appears to be the same.

14 Q Pardon me?

15 A It appears to be the same, yes.

16 Q So you've looked at every word; you know it's the same?

17 A I didn't, like, today compare it to the Gmail account, but  
18 when I saved it, saved the document originally, I looked  
19 through and checked to make sure all the emails were there.

20 Q What I'm asking you is, Is that the same document that you  
21 saved on your Gmail account?

22 A Yes.

23 MR. KAPLAN: Okay. No objection, your Honor.

24 THE COURT: All right. Government's Exhibit 2 is  
25 admitted.

1 (Government's Exhibit 2 was received in evidence.)

2 MR. GILMAN: May we publish Government Exhibit 2, your  
3 Honor?

4 THE COURT: You may.

5 DIRECT EXAMINATION (Continued)

6 BY MR. GILMAN:

7 Q Now, we talked a bit about this, but now that we have the  
8 document in front of us, could you explain to the jury what  
9 this document is.

10 A Yes. So this document is a saved copy and now a printout  
11 of the email reply that I made to the Craigslist post we were  
12 just looking at and email correspondence that followed.

13 MR. GILMAN: Ms. LaBombard, could we blow up the first  
14 quarter of the page or so.

15 Q Looking at this first email from Government Exhibit 2, is  
16 there a date?

17 A Yes.

18 Q Where is that indicated?

19 A The date is indicated right here along with the time.

20 Q That was my next question. Is there a time indicated as  
21 well?

22 A Yes.

23 Q Does this indicate to whom it was sent and from whom?

24 A Yes. So the email from whom it was sent is the email  
25 address that I was using, which you can see right here at :

1 top as well as down here. And then as far as to whom it was  
2 sent, it shows this kind of string of letters and numbers here.

3 When you reply to a Craigslist ad, you don't reply  
4 directly to the other person's email. You reply through the  
5 Craigslist website. So I couldn't see the other email address  
6 on the other end, but it shows this kind of email through their  
7 system that corresponds to the Craigslist post.

8 Q And looking at the numerical portion of that "To" email  
9 address --

10 A Yes.

11 Q -- does that number match the posting ID from the  
12 Craigslist record?

13 A Yes, it does.

14 Q So when we're using this document, I'm going to ask Ms.  
15 Masterson to read the emails that Mr. Sheltra sent and for you  
16 to read the emails that you sent.

17 A Okay.

18 Q Could you please read -- and I'll ask Ms. LaBombard to  
19 follow along with us as best as we can. And I'm going to ask  
20 you to start by reading -- if we can zoom out a bit, and I'm  
21 going to start with reading the first email from September 7th,  
22 2017, at 3:29 PM.

23 A Okay. "Did you find Alisha? I'm not her, but you've  
24 peaked my interest. Alisha and I might have something in  
25 common."

1 MS. MASTERSON: "Hi. I haven't found her, but you  
2 definitely have spurred my interest and have my total  
3 attention. Please tell me about you and your situation. I'd  
4 love you to tell me what you think you have in common with  
5 Alisha ...

6 "I'm a DWM, 40s, 5' 7", 163 pounds, D&D free, non-smoker,  
7 and I've had a vasectomy.

8 "I can't wait to hear from you! Randy."

9 Q I'm going to stop you there for a moment. I want to go  
10 over some of the terms of that email.

11 Based on your training and experience, in this context,  
12 what's a DWM?

13 A Divorced white male.

14 Q And also based on your training and experience in this  
15 context, what does "D&D free" mean?

16 A It means drug and disease free.

17 Q Let's continue reading.

18 A "Well, I have a ten year old daughter, so that sounds  
19 pretty similar to Alisha ... I'm a white female d&d free, no  
20 smoking, 5 foot 1 inches ... and I have some taboo interests  
21 myself."

22 MS. MASTERSON: "Yes, I see the similarities. Thank  
23 you for sharing. Sharing is good, don't you think? I really  
24 really want to know more. I'm hard as I write this. I  
25 understand the difficulty trying to communicate this issue.

1 But it is certainly an issue that, if you are into it, you  
2 crave knowing more, right? Have you ever explored this  
3 situation at all before? Alisha had been very active with men,  
4 and other things for that matter, around her daughter for a  
5 while. So conversations had happened. Openly, candidly. Has  
6 anything like that taken place with you?

7 "And let me just put it this way, if there were no laws  
8 and no public judgment, what would be your wildest fantasy?  
9 That should be a good place for the two of us to begin. Then  
10 we can all take it from there ..." smile face symbol.

11 "Randy."

12 Q Ms. Lawton, what did you understand the defendant to mean  
13 when he wrote "I'm hard"?

14 A That he was sexually aroused and his penis was erect.

15 MR. GILMAN: Ms. Masterson, could you continue  
16 reading.

17 MS. MASTERSON: "I'd also be interested in your  
18 personal history, sexually. How old were you when you became  
19 sexually active? What were the circumstances, etc.?

20 "I'm looking forward to hearing from you!" Smile face  
21 symbol.

22 "Randy."

23 A "Well, I agree that sharing is good ... that's kind of  
24 what my thoughts center around. Sharing certain things. It  
25 sounds like Alisha is much further along that in this type of

1 situation than I am. My daughter has seen some things. I  
2 would like to share more. The perception of public judgment is  
3 strong though and difficult to get past. It sounds like we are  
4 interested in the same thing though. And I'm trying to get  
5 past the thought of the judgement. Tell me more about how  
6 Alisha worked it? (if you don't mind ... sorry if I'm being  
7 too forward).

8 "Meg."

9 Q May I interrupt you there for a moment?

10 A Yes.

11 Q Ms. Lawton, why did you reference the "perception of  
12 public judgment" in that email?

13 A In the previous email, the writer had referenced something  
14 similar when he was talking about what I would want to do if  
15 there were no laws or judgment.

16 Q Okay. And why did you ask about how Alisha worked it?

17 A I was concerned that Alisha was a mother out there with a  
18 young child who may have been sexually abused or at risk for  
19 sexual abuse, so I was wanting to know what, if anything, had  
20 already happened.

21 Q Let's continue reading the next email from Mr. Sheltra.

22 It's sent September 7th, 2017, at 10:07 PM.

23 MS. MASTERSON: "Hi Meg. You're not being forward,  
24 hun." Smile face symbol.

25 "Thanks for replying, and for being honest. Alisha was

1 very sexually active, from what she told she. She routinely  
2 had sex in front of her daughter - all kinds of sex ... Alisha  
3 herself had been sexually active since she was 9. It came at  
4 the hands of her mom's bf and her mom. It was something she  
5 wanted, though. Seeing her mom being pleasured, and having a  
6 knowledge far beyond her years, allowed her to, even at a young  
7 age, be active in that decision. So Alisha had been raised  
8 very much the same way she was choosing to raise her daughter.

9 "I think that being open (with her) about it is the  
10 answer. Throughout time, what is acceptable and what isn't has  
11 changed dramatically. We happen to live in a very judgemental  
12 society right now. People really feel obligated to decide what  
13 is best for you, and everybody else. That is the 'problem' -  
14 for lack of a better word.

15 "So, your daughter has seen some things ... how did she  
16 react? Did she comment or ask questions about it? I'm hard  
17 again, thinking about it ...

18 "Where would you like to take this - how far would you  
19 like to go? Ultimately, do you see the 3 of us all  
20 sharing/participating? Or is she just strictly observing?

21 "I'm wanting to know much more about you ... I'm attaching  
22 a face pic, and will share whatever else you ask, since we're  
23 on the same amazing page together. Obviously, I'd love to see  
24 a pic of whatever you are willing to share.

25 "And I understand the guts it took to reply to my post. I

1 understand the fluttering in your breath, and probably the  
2 wetness you were feeling at the thought of replying, knowing  
3 where it might lead. Fuck, it's hot.

4 "XOXO.

5 "Randy."

6 Q Let me interrupt for a moment there. In that email,  
7 there's a phrase "mom's bf." What does "bf" stand for?

8 A Boyfriend.

9 Q Was there an attachment to that email?

10 A Yes, there was.

11 Q Briefly, what's an attachment?

12 A An attachment is either a photo, document, or other object  
13 that is sent along with an email.

14 MR. GILMAN: Can we zoom out, Ms. LaBombard.

15 Q And if we -- looking at the bottom of that page, is there  
16 a file name there?

17 A Yes. So --

18 Q What is that -- what is that file name?

19 A So that portion that's zoomed in now shows the file name  
20 "IMG\_2099-1.jpg."

21 MR. GILMAN: May we go to the next page, Ms.  
22 LaBombard. Could we zoom in on the photograph.

23 Q Can you see the screen, Ms. Lawton?

24 A Yes, I can.

25 Q What is that? Sorry.

1 A What was the question? I'm sorry.

2 Q Sorry. Now that we're looking at this on the screen, what  
3 is that?

4 A That is the photo that was sent as an attachment to the  
5 email that was just read.

6 Q Thank you. Let's continue reading.

7 A Okay.

8 Q Did you respond?

9 A Yes.

10 Q Okay. Could you please begin reading again.

11 A "Nice pic" smiley face symbol. "I'm glad you don't think  
12 I'm being forward. I'm just so curious and you seem much more  
13 experienced than me. And talking with you helps so much with  
14 my conflicted feelings. My email keeps sending these  
15 craigslist email things to spam. Is there anyway I can get  
16 direct email or something for you? (again hope I'm not being  
17 too forward ... just don't want to lose contact with you ...  
18 this feels like fate). When my daughter has seen things she  
19 was -- there was less reaction than I would have expected. She  
20 seemed interested but there were not the questions I would have  
21 expected. To be honest with you, I've really been struggling  
22 with her lately. She's only ten but I swear her attitude is  
23 awful some days. I'm divorced and she really doesn't have a  
24 father figure, so I feel like I'm responsible for teaching her,  
25 but I'm struggling to do it myself. I think I'm still confused

1 about how far I want to take it ... I mean I know what I want,  
2 but it's that whole conflicted feeling thing again. I want her  
3 to learn, but not sure what the best way to start is. I really  
4 wish she had a father figure to help guide things along --  
5 guide this along." I'm sorry.

6 "And you are so right about my fluttering breath and all  
7 the rest. It's such a relief to have found you, even though I  
8 didn't really know what I was looking for. I really need your  
9 guidance in this. How did things work as far as you and Alisha  
10 and her daughter?

11 "XXOO.

12 "Meg.

13 "Oh, and my actual email is momma.mego.vt@gmail.com write  
14 to me there if you want."

15 Q Let me interrupt you there for a moment. You wrote that  
16 your emails keep sending these Craigslist email things to spam.  
17 Was that true?

18 A No, it was not.

19 Q Why did you write that?

20 A I wrote that because I wanted to begin communicating with  
21 the person I was writing with directly by email rather than  
22 through the Craigslist relay email system in order to possibly  
23 assist in identifying who the person is.

24 Q Why did you ask, "How did things work as far as you and  
25 Alisha and her daughter?"

1 A Because I was concerned that child sexual abuse had  
2 occurred in the past based on the initial post and the messages  
3 exchanged, so I was looking for more information about that and  
4 also was trying to see what the writer would share about what  
5 they were interested in or what they wanted to do.

6 Q You also shared an email address at the bottom.

7 A Yes.

8 Q Why did you do that?

9 A I did that because I wanted the writer to be able to send  
10 from their email directly to my email rather than going through  
11 the Craigslist system, and I was unsure whether or not they  
12 could see my actual email address, just as I couldn't see  
13 theirs.

14 Q Thank you.

15 MR. GILMAN: Could we zoom out and go to the next  
16 page, which I believe is page number, Bates number, 1197.

17 Q Ms. Lawton, just looking at the top of this email, what,  
18 if anything, is different about those email addresses?

19 A So at the top, you can see that it has the name Randy, and  
20 it has an actual Gmail email address as the sender rather than,  
21 like, the string of letters and numbers associated with the  
22 Craigslist post that was up there before.

23 Q And from what email address is that message sent?

24 A shelrw001@gmail.com.

25 Q Thank you. I'm going to ask you to look at Government

1 Exhibit 22 in your binder. Do you recognize this?

2 A Yes, I do.

3 Q What is it?

4 A It is a business record from Google with the subscriber  
5 information for the email address.

6 MR. GILMAN: Your Honor, the Government offers  
7 Government Exhibit 22.

8 THE COURT: Any objection?

9 MR. KAPLAN: Judge, could I voir dire?

10 THE COURT: You may.

11 VOIR DIRE EXAMINATION

12 BY MR. KAPLAN:

13 Q So is this the result of a request that you made to  
14 Google?

15 A I did not make the request to Google, no.

16 Q Where did this come from?

17 A This came from one of the other investigators making a  
18 request.

19 Q Pardon me?

20 A It came from one of the other investigators making a  
21 request to Google.

22 Q So you didn't obtain this yourself?

23 A No, I did not.

24 Q How do you know it's accurate?

25 A Because it's certified by Google as a business record.

1 Q How did the other investigators get my client's email  
2 address?

3 A I shared it with them.

4 Q When did you do that?

5 A There were other investigators that were working on this  
6 at the time that the conversation happened, so I shared the  
7 information when I had it.

8 Q So you shared the information while the conversation was  
9 taking place?

10 MR. GILMAN: Objection, your Honor. This is --

11 THE COURT: Basis?

12 MR. GILMAN: This is beyond the scope of this  
13 particular evidentiary basis for this item.

14 THE COURT: Well, we're establishing the foundation  
15 for this record, and I'm going to let Mr. Kaplan continue.

16 Go ahead.

17 Q So while you were in the process of having an email  
18 correspondence with Mr. Sheltra, you obtained this information?

19 A No.

20 Q Did you ever learn his true identity while you were  
21 conversing with him?

22 A Yes. Well, I mean, I learned what was thought to be his  
23 true identity, yes.

24 Q Pardon me?

25 A Yes. I was given information about what may be his true

1 identity while we were conversing.

2 Q And you were given that information as a result of the  
3 investigators having obtained this document?

4 A No.

5 Q Okay.

6 MR. KAPLAN: I don't think a proper foundation has  
7 been laid, Judge.

8 THE COURT: Are these authenticated records from  
9 Google?

10 MR. GILMAN: Yes, your Honor. They've been admitted  
11 pursuant to our motion *in limine*.

12 MR. KAPLAN: Okay.

13 THE COURT: I'll admit Government's Exhibit 22 based  
14 on that authentication. The chain of custody for this  
15 particular witness has not been established.

16 (Government's Exhibit 22 was received in evidence.)

17 MR. GILMAN: May we publish Government Exhibit 22?

18 THE COURT: Yes, you may.

19 MR. GILMAN: If we could zoom in on the top half.  
20 Thank you, Ms. LaBombard.

21 DIRECT EXAMINATION (Continued)

22 BY MR. GILMAN:

23 Q Ms. Lawton, what Gmail address does this record concern?

24 A It is concerning the Gmail address shelrw001@gmail.com.

25 Q And what name is associated with this record?

1 A The name is right here. It's Randy Sheltra.

2 Q Is there a phone number associated with this record?

3 A Yes. Down here where it says "SMS," there's a phone  
4 number. It's 1-802-310-2018.

5 Q Thank you. At some point did you further investigate Mr.  
6 Sheltra's identity?

7 A Yes.

8 Q I'm showing you what's been marked for identification as  
9 Government Exhibit 4. Do you recognize this?

10 A Yes, I do.

11 Q What is it?

12 A It is a screenshot from a Facebook page with the name  
13 Randy Sheltra.

14 Q And how do you recognize this?

15 A I recognize this because when other investigators shared  
16 Mr. Sheltra's name with me as the person associated -- possibly  
17 associated with sending the emails, I looked at this Facebook  
18 page.

19 Q Okay.

20 A And took a screenshot of it.

21 Q Okay. Is Government Exhibit 4 a true and accurate copy of  
22 that screenshot?

23 A Other than the area in the bottom left corner where it  
24 says "Redacted," yes.

25 MR. GILMAN: The Government offers Government Exhibit

1 4.

2 THE COURT: Any objection?

3 MR. KAPLAN: Judge, I have a question about it. Can  
4 we use the headphones?

5 THE COURT: Yes, you may.

6 MR. KAPLAN: I might be able to resolve it just by  
7 asking them.

8 I have no objection, your Honor.

9 THE COURT: Government's Exhibit 4 is admitted.

10 (Government's Exhibit 4 was received in evidence.)

11 MR. GILMAN: May we publish Government Exhibit 4, your  
12 Honor?

13 THE COURT: You may.

14 Q BY MR. GILMAN: Could you explain to the jury what we're  
15 looking at, Ms. Lawton.

16 A So this is a screenshot of the Facebook page that I viewed  
17 with the name Randy Sheltra.

18 Q And just briefly, what is Facebook?

19 A Facebook is a social media website where people can create  
20 profiles, post information about themselves, communicate with  
21 others.

22 Q Do you recognize this photograph?

23 A Yes, I do.

24 Q How do you recognize it?

25 A The -- the portion of the photograph that shows the man

1 appears to be the same photograph that was sent as an email  
2 attachment.

3 Q Where does it indicate on this page that this person  
4 works?

5 A It says this person works at GlobalFoundries.

6 Q And where does it indicate on this page that this person  
7 lives?

8 A Alburgh, Vermont.

9 Q Did you continue to exchange emails with Mr. Sheltra?

10 A Yes.

11 Q Okay. Let's turn back to Government Exhibit 2, please.  
12 And let's -- I'm going to ask Ms. Masterson to continue reading  
13 the emails from Mr. Sheltra and you to continue reading the  
14 emails that you sent.

15 A Okay.

16 MS. MASTERSON: "Hi Meg - it's Randy. I hope this  
17 helps the email thing.

18 "I'm trying to understand what you want. Is it a  
19 traditional father figure? Because what we've been discussing  
20 is far from traditional ... that said, having a man around who  
21 is open and honest isn't a bad thing. I don't know what your  
22 dating life is like - or hardly anything about you for that  
23 matter. Your age, and stats, if not a pic would be nice. I'm  
24 glad you like my pic. To the point; where do you want this to  
25 go, including all 3 of us? You've eluded to it a couple of

1 times, but you are really struggling to actually state your  
2 desires. It should be very clear that I'm not judging you and  
3 the situation we are talking about. I find this taboo and  
4 several other things incredibly arousing. I am aching for you  
5 to share your fantasies and desires with me.

6 "As for me and Alisha - it never happened. We emailed a  
7 hundred times or more, discussing all kinds of interludes but  
8 it never took place. She and her daughter left for Atlanta and  
9 I haven't heard from her since she was down there. That's why  
10 I was searching. I'm glad my search led me to you." Smile  
11 face symbol.

12 "Back to you and me and your daughter ... I really want to  
13 know what gets you off. What do you think about when you  
14 masturbate? If you haven't actually had any conversations with  
15 her about sex and why you like it, how do you know what you  
16 want for her?

17 "Please tell me what you're thinking. And what you want.  
18 I've been completely honest, and look forward to hearing from  
19 you so very badly!

20 "XOXO,

21 "Randy."

22 A "Thanks for the email. That does help. This one went  
23 straight to my inbox. I am definitely not looking for a  
24 traditional father figure for her, I'm looking more for a man  
25 who will help me teach her how to enjoy herself ... as I

1 believe that enjoyment is critical in growing and developing.  
2 Sorry I've had trouble coming right out and saying exactly what  
3 my desires are. I definitely am struggling. The idea of  
4 including all three is something that arouses me, and I'm  
5 overjoyed that it's arousing to you too. I'm sorry for you  
6 that nothing ever took place with Alisha and her daughter. Too  
7 bad she left the area. Are you in Vermont? Or somewhere  
8 nearby? This seems like such an uncommon desire, or maybe  
9 people are just scared to talk about it. I know I am/was. But  
10 I do think about it ... including when I masturbate. Sorry you  
11 don't have much info about me. I'm running off to bed now  
12 before I fall asleep at the screen, but I really hope we can  
13 keep talking tomorrow. Also will try to get a pic to you  
14 tomorrow."

15 Heart symbol "Meg."

16 MS. MASTERSON: "Hi Meg,

17 "I've definitely enjoyed our discussion so far, and have  
18 no desire to stop." Smile face symbol.

19 "I work nights though, so I wanted you to understand my  
20 schedule, so you don't think I am ignoring you, or am not  
21 interested. I am definitely interested! It is a somewhat  
22 unique situation. It's weird that you actually read my post,  
23 and then went through with replying. You're only the 2nd reply  
24 I've gotten - the 1st was from a guy who thought he knew the  
25 Alisha I was looking for, but he was mistaken.

1        "I work a 12-hour night schedule Wednesday night thru  
2 Friday night, and every other Saturday night. That gives me  
3 time off from Saturday or Sunday thru Tuesday. So I'll be  
4 sleeping tomorrow (hopefully, lol), but will be checking my  
5 emails whenever I wake up, waiting for your reply! I'm likely  
6 going to masturbate thinking about you because I've been hard  
7 multiple times as I've read your emails, and replied to them.  
8 I'm wondering if you masturbated when you went to bed. I like  
9 the thought of you cumming as you think about the things we've  
10 discussed. Mmmmmm. I want to feel you cum on me."

11                    MR. GILMAN: Let me interrupt there for a moment.

12 Q        Ms. Lawton, what does "LOL" stand for?

13 A        Laughing out loud.

14 Q        And what does "cum" refer to in this context?

15 A        Male or female reaching orgasm.

16                    MR. GILMAN: If we can continue reading. The  
17 September 8th, 2017, email.

18                    MS. MASTERSON: "I'm really curious to know more about  
19 you. Hopefully you will give me lots of details ... What has  
20 she seen you doing? Was it from a distance or was she right  
21 there close? I'm curious about your relationship with her.  
22 You said she can be difficult, but do you get along fairly  
23 well? Are you comfortable being honest with her about intimate  
24 things? Are you ever nude around her? I'm hard again,  
25 thinking about you. And the situation. I hope you will be

1 comfortable opening up to me. I want you to share the details  
2 of your fantasies with me, and your desires. All your desires,  
3 including these taboo ones.

4 "Mmmmmmm. I'm a very visual person; if you explain to me  
5 what you are thinking - what you are wanting, I can visualize  
6 it. Then we can work together to make it a reality. The 2-3  
7 of us. Together. Mmmmmmm. Sounds delicious.

8 "I do live in Vermont. A little north of Burlington.

9 Where are you approximately located?

10 "Know that I've thought of little else but you since I got  
11 your reply ... it is so hot that we share this unique  
12 connection. I can only imagine the pleasures we can share  
13 together. Mmmmm. I hope you wake up wet from the taboo  
14 thoughts racing through your mind as you try to sleep. Think  
15 of how we can put your wetness to good use, as you spread your  
16 legs, welcoming me in, as I eagerly slide inside of you ...  
17 Mmmmm. XOXO.

18 "Waiting for your reply!!

19 "Excitedly,

20 "Randy."

21 Q Let me interrupt for one moment just for the record. That  
22 was the continuation of the previous email, and I'm going to  
23 ask you, Ms. Lawton, to now read the email from September 8th,  
24 2017, at 2:25 PM.

25 A "Randy,

1       "Sorry I took off kind of quick last night, I was  
2 exhausted. And then this morning, I had to work. I definitely  
3 wouldn't think you're ignoring me. That sounds like an  
4 interesting schedule that you work. Night shifts must be so  
5 tiring. What do you do? If you don't mind me asking. Anyway,  
6 I hope you're able to get some sleep today. You and this  
7 situation has definitely been on my mind.

8       "I feel like I know you well enough I can tell you more  
9 about my daughter, Maddie. I think I already told you she is  
10 ten years old, obviously goes to elementary school. She and I  
11 have always been close. Her father left before she was born,  
12 and I've had a few men in and out since then, but no real  
13 consistent presence. We've always gotten along well, but as  
14 she has gotten a little older, the relationship has become a  
15 little more difficult. We've always been very honest with each  
16 other though. And nudity is pretty normal in our house ... for  
17 one, I think it's natural, and for two, it's just the two of us  
18 girls, so nothing to be shy about. We often sleep in the same  
19 room and/or bed ... so she has witnessed some activity. I  
20 really hope we can work together to make this a reality, like  
21 you said. When you say the 2-3 of us together, what are you  
22 hoping for? If you could choose anything to come of this  
23 situation, what would it be? I guess I just need help  
24 visualizing/verbalizing the more taboo aspects of the  
25 situation ... damn judgmental society we live in is all up in

1 my head. I really appreciate you helping me get past all the  
2 confliction.

3 "It sounds like your not too far from us, which is a  
4 plus ... we live in the Burlington area. You've been on my  
5 mind, and its even more exciting knowing you can't be too far  
6 away. My excitement is building!!"

7 Heart symbol "Meg."

8 MS. MASTERSOHN: "Hi Meg,

9 "It's really cool that you are in Burlington. I'm in  
10 Grand Isle County!" Smile face symbol.

11 "I work in Essex, so I'm in town all the time. Nights  
12 does suck but I like the time off.

13 "I have to ask because you still haven't volunteered any  
14 information about your specific desires - are you in law  
15 enforcement? Are you a police officer? Or, are you affiliated  
16 with law enforcement in any way? I just need to know your  
17 answers to these specific questions. I hope you understand.  
18 And can you tell me why you read my post?

19 "I'll reply once you answer truthfully ...

20 "Thanks.

21 "Randy."

22 "Meg, I'm not a cop, hun. I just don't want to say or  
23 express myself in a way that might incriminate myself if you  
24 are a member of law enforcement. I hope you understand that.

25 "Randy."

1 A "I hope you know I've been nothing but truthful with you.  
2 I guess I can understand your suspicion based on the nature of  
3 what we're discussing, but I'm not a cop or affiliated in any  
4 way at all. I truly am a mother with a daughter, working  
5 through some really conflicted feelings about this particular  
6 sexual taboo. It's on my mind a lot, but is something I have  
7 to push down. I browse through Craigslist every now and then,  
8 and the other night happened to search 'daughter,' which  
9 doesn't bring up a ton of results, and your headline caught my  
10 eye ... it's so different from most of the posts you see, and  
11 then when I clicked on it ... it just struck me. I felt my  
12 chest tighten at the same time I felt a rush of relief that  
13 maybe someone would understand me.

14 "Thank you for answering my next question, that you're not  
15 a cop either. I just feel like I have a lot to lose in this  
16 situation. Maddie only has one parent, and I'm well aware of  
17 what is accepted in society and what is not (as it sounds you  
18 are as well). I'm sorry for not coming right out with  
19 specifics. I'm know that I'm trying to do the right thing for  
20 my daughter, but I'm not sure others would see it that way. I  
21 know that what you desire and what I desire can help her, it's  
22 just so difficult to put into words. I promise I'm being  
23 honest with you ... I'm just struggling with putting it out  
24 there. I hope you're willing to keep talking to me, and  
25 continue on this path, but I would understand if you don't.

1 I'd be heartbroken, but I'd understand. I'll be anxiously  
2 waiting to hear from you again ..."

3 Heart symbol "Meg."

4 THE COURT: Mr. Gilman, is this a logical breaking  
5 point for our midmorning break?

6 MR. GILMAN: Yes, your Honor.

7 THE COURT: All right. Ladies and gentlemen of the  
8 jury, we will take approximately 15 minutes. Don't talk to  
9 anyone about the case. Don't let anybody talk to you about the  
10 case. You can leave your notebooks here in the courtroom.

11 We'll excuse the jurors, and I'll have the attorneys  
12 remain in the courtroom.

13 (The jury exited the courtroom, after which the following  
14 was held in open court at 10:36 AM.)

15 THE COURT: Anything to bring to my attention before  
16 we take our own break?

17 MR. GILMAN: Nothing from the Government, your Honor.  
18 Thank you.

19 MR. KAPLAN: No, Judge.

20 (A recess was taken, after which the following was held in  
21 open court without the jury present at 10:50 AM.)

22 THE COURT: We are back on the record in United States  
23 of America vs. Randy Sheltra.

24 Somebody had an issue to bring to my attention? Mr.  
25 Gilman?

1                   MR. GILMAN: Just briefly, your Honor. When I was  
2 referencing some of the exhibits that had been preadmitted  
3 pursuant to motion *in limine* number 1, I wasn't specifically  
4 referencing that they had been preadmitted pursuant to that  
5 motion, and I think that might have led to an objection -- you  
6 know, Mark hadn't -- excuse me. Excuse me, your Honor. Mr.  
7 Kaplan had not objected to those exhibits previously. He had  
8 no objection to them. So I think what I'll do to fix that  
9 issue is just when I move to admit an exhibit that's been, you  
10 know, admitted pursuant to that motion *in limine*, just say so,  
11 expressly say "The Government moves to admit Government Exhibit  
12 XYZ, you know, pursuant to motion *in limine* number 1," if that  
13 would be acceptable to the Court.

14                  THE COURT: You know, one reason you'll notice that  
15 I'm not saying second superseding indictment, there's lots of  
16 things that people speculate about that's none of their  
17 business, so "previously agreed to" is better.

18                  MR. GILMAN: Okay.

19                  THE COURT: If it's contested, Mr. Kaplan will let me  
20 know.

21                  Does that work for you, Mr. Kaplan?

22                  MR. KAPLAN: Yes, it does, Judge.

23                  THE COURT: Okay. Let's do it that way.

24                  Anything else to bring to my attention?

25                  MR. GILMAN: Nothing from the Government, your Honor.

1 Thank you.

2 THE COURT: Mr. Kaplan --

3 MR. KAPLAN: No, your Honor.

4 THE COURT: -- are you all set as well?

5 All right. Let's bring back the jury.

6 (The following was held in open court with the jury  
7 present at 10:54 AM.)

8 THE COURT: We are back on the record in United States  
9 of America vs. Randy Sheltra.

10 We have Ms. Lawton on the witness stand. She is still  
11 under oath. And we are in the Government's direct examination.

12 And, Mr. Gilman, you may proceed.

13 MR. GILMAN: Thank you, your Honor.

14 Q BY MR. GILMAN: If we could pull up again Government  
15 Exhibit 2, Bates 1199. That's just the document number, 1199.  
16 And if we can actually go back to the previous email we just  
17 read, which was dated Friday, September 8th, 2017, at 3:00 PM.

18 Ms. Lawton, in this email you said you weren't a cop; is  
19 that correct?

20 A That's what I said, yes.

21 Q Why did you say that?

22 A I said that because in undercover investigations it's  
23 legally acceptable for law enforcement to provide false  
24 information, to lie, in response to that question. And if I  
25 had answered truthfully to that question, I would have likely

1 been unable to continue the conversation with the other person  
2 to see where it might lead.

3 Q Just on that last part, you said "if you answered the  
4 question truthfully." What, in your experience, may happen?

5 A I mean, generally if I had answered that question, said  
6 "yes, I am a police detective," the conversation, in my  
7 experience, would end and I'd be able -- unable to continue to  
8 gather information from the other person and see where that  
9 conversation might lead as far as investigation.

10 Q Thank you. Let's continue reading with the September 8th,  
11 2017, email at 3:27 PM.

12 MS. MASTERSON: "Hi Hun. Thank you! I really  
13 appreciate your quick reply. I do understand. I can also  
14 understand the confliction you must be dealing with. I'd  
15 really love a pic of you ... I'm finding myself feeling an  
16 incredible attraction to you - this is so f'ing intense ...

17 "I want this to go exactly how you, and after considerable  
18 interaction, your daughter want it to go, hun. I will never  
19 take the lead with her - where that goes needs to be decided  
20 upon, and initiated by her and you. I'm a willing - very  
21 willing - participant but absolutely not the aggressor with  
22 her. That said, I am not that submissive between you and I. I  
23 jerked off when I got home this morning, blowing a load all  
24 over my belly as I thought about you ...

25 "It's not a question of where I want this to end up going,

1 but where you two do. That's why your (you and her)  
2 relationship is so important. That said, I can visualize many,  
3 many things ... Mmmmmmmm. In addition to you and I having a  
4 healthy physical relationship with her present if/when desired  
5 by you and her - to her, at your direction, learning and  
6 exploring my body, to me bringing her to orgasm orally, and  
7 more ... those are but possibilities. It is directed by the 2  
8 of you! I'm so f'ing hard right now ...

9 "Now, please, please tell me what you're thinking. And  
10 please attach a pic!!

11 "XOXO,

12 "Randy."

13 A "Seeing your reply seriously lifted a weight off my chest.  
14 I was worried you would cut ties ... guess that's what I'm used  
15 to from men. But you're a breath of fresh air." Smiley face  
16 symbol. "Honestly, this is probably the most intense  
17 interaction I've ever had. I appreciate you want things to go  
18 how I want them too ... but I also appreciate you are not  
19 submissive, as that's not what I'm looking for at all, for  
20 either myself or Maddie. This is hard to come right out and  
21 say, but to me, the most exciting part of this is you helping  
22 her to learn to explore your body and you pleasing her orally.  
23 These are such confusing thoughts to have ... I really need you  
24 to guide me.

25 "Here's a pic ... it's one of those crappy snapchat pics,

1 but it's all i've got on this computer right now. Hope it makes  
2 you happy!"

3 Heart symbol "Meg."

4 Q Did that last email have an attachment?

5 A Yes.

6 Q What was it?

7 A It was a photograph.

8 MR. GILMAN: Can we go to the next page. Thank you.

9 Q Looking at Government Exhibit 2 before you, do you see a  
10 photograph there?

11 A Yes, I do.

12 Q What is -- what is that photograph?

13 A That's a photograph of myself.

14 Q Okay. And how did you take this photo?

15 A I used a cell phone and held it in front of me and took a  
16 photo and then used the phone to put some kind of flowers.

17 Q What was that? Sorry?

18 A I used the phone to put some flowers that you can see in  
19 the picture.

20 Q Okay.

21 A I added that after.

22 Q Okay. Let's read further.

23 MR. GILMAN: I'll ask Ms. Masterson to continue  
24 reading.

25 MS. MASTERSON: "Are we okay? I hope I didn't offend

1 you.

2 "XOXO,

3 "Randy."

4 A "Of course we are ok ... no offense at all. Did my last  
5 email with my pic go through?"

6 Heart symbol "Meg."

7 MS. MASTERSON: "Thank you. You're adorable.

8 "That's awesome. I'm absolutely not submissive, but I  
9 don't want anything we do to be misconstrued as me forcing  
10 myself on her, you, or the situation. At least we're very,  
11 very much on the same page." Smile face symbol.

12 "I believe I'm beginning to see what you're seeking. And  
13 it is consistent with what I'm looking for in every way. I  
14 hope we can discuss this at great length. I believe the  
15 discussion, and our subsequent acts will have the added benefit  
16 of bringing us (all) incredible pleasure as well." Smile face  
17 symbol.

18 "I'm excited on many fronts. Personally, you're very  
19 attractive, and I look forward to getting to know you. At  
20 great length. That we also share an incredibly intimate  
21 connection is an amazing bonus. It's nice to be truthfully  
22 myself in such a challenging situation.

23 "Wanna meet soon? As you know I'm free Sunday, Monday,  
24 and Tuesday.

25 "So pleased to hear back from you. And thank you so much

1 for the photo." Heart emoji.

2 "I'll write you from work later, but please feel free to  
3 write me as often as you desire.

4 "XOXO,

5 "Randy."

6 Q Let me interrupt there for a moment, Ms. Lawton.

7 Regarding that last email, did Sheltra propose meeting in  
8 person?

9 A Yes.

10 Q What did he say?

11 A He said do you "wanna meet soon?" and let me know that he  
12 was free on Sunday, Monday, and Tuesday.

13 Q Had you ever proposed meeting in this exchange previously  
14 with Mr. Sheltra?

15 A No.

16 Q Let's continue reading this exchange.

17 A "I'm glad we are on the same page. I wouldn't ever think  
18 you would force yourself on either of us, I trust you. I just  
19 want you to be in control of the situation ... for me that is  
20 part of the appeal and part of what brings the pleasure. You  
21 say it's a challenging situation ... what's the most  
22 challenging part for you? I'm glad you find me attractive, I  
23 find you the same. I'm glad that me (and mostly Maddie) are  
24 what you are looking for! I do want to meet, as soon as we can  
25 (at risk of sounding over-eager lol). Sunday would be best for

1 me because of work and school and all that during the week.

2 Let me know what you're thinking?"

3 Heart symbol, heart symbol "Meg."

4 Q Ms. Lawton, if you --

5 A Oh, I'm sorry.

6 Q Yup.

7 A "Hope you're having a good night at work" smiley face  
8 symbol. "Would love to hear from you, if you can."

9 MS. MASTERSON: "You just made me hard again LOL"  
10 smile face symbol.

11 "I want to be clear, that it is you it that is the  
12 underlying force in my attraction. Just as it was with Alisha.  
13 Without you, none of this would occur whatsoever. It is the  
14 combination of you and Maddie both, and our very unique  
15 connection, that is the attraction hun. When my mouth is  
16 bringing pleasure to your daughter, it will be you that is  
17 holding her hand, caressing her, and encouraging her. Coaching  
18 her to tell me what she likes and what feels the best for her.  
19 In doing so, you will be teaching her how to take control of  
20 her own pleasure when she is with a man.

21 "I like that you're aroused by the thought of my mouth on  
22 her. I am hard thinking about kissing you while the taste of  
23 her is on my lips. Mmmmmmm. Amazing. Delicious.

24 "Yes, it is very much our connection and the combination  
25 of us that is the attraction for me babe.

1 "XOXO,

2 "Randy."

3 "I'm on my way to work now hun. My shift starts at 6:30."

4 A "I hope you're having a nice drive to work" smile face  
5 symbol. "This situation is for sure unique. Two days ago I  
6 never would've believed I would find someone like you. Hearing  
7 you explain what you will do is easing my conflicted feelings  
8 about all of this and helping me to set aside our societies  
9 expectations for a mother. The things you said, bringing her  
10 pleasure with your mouth while I hold her, is that what you  
11 hope to do when we meet? If so, I can't think of a better  
12 teacher for my Maddie."

13 Q There's just a little bit left of that email, I believe.

14 A Oh, I'm sorry. Heart symbol, heart symbol "Meg xoxo."

15 MS. MASTERSON: "Hi Meg, I'm glad that you are  
16 becoming more at ease with this situation. I want you to be at  
17 ease with me, and I appreciate your comments noting that you  
18 trust me. I trust you as well." Smile face symbol.

19 "While my comments regarding bringing Maddie pleasure are  
20 genuine, I look forward to being intimate with both her and  
21 you, we (you and I) need to ensure that from the onset we act  
22 in a way that will be completely beneficial to Maddie and you,  
23 without causing consequences that are currently unforeseen and  
24 unintended.

25 "You are the head of your household. You are an

1 attractive young woman. We need to create an environment that  
2 abides by your household rules, yet opens a unique door in the  
3 interest of your desires for Maddie. Household rules must  
4 remain intact and consistent. This is for the well being of  
5 Maddie and you. Maddie relies on these rules being in place,  
6 for her security and stability. This is her moral reference in  
7 life. We need to be very sensitive to this fact.

8 "We need to spend time discussing this so you and I are  
9 both on the same page. She is going to meet me through you.  
10 Just like any of the men you have dated, or been in a  
11 relationship with before. Those rules are established, and she  
12 is comfortable with them, at least to some degree. With the  
13 additional communication that will happen between us *[sic]*,  
14 her, and me, she will become more comfortable with them. And  
15 she will understand how our relationship (the 3 of us) is  
16 different and unique. That this relationship has specific  
17 differences from the other relationships you have had in the  
18 past and relationships you might have in the future. We need  
19 to do this for the well being of you, Maddie, and your family  
20 unit. Before we cross the bridge into intimacy that includes  
21 her, we need to grow our relationship Meg. And she will be  
22 introduced to me through you, we need to fit the standard mold  
23 that she has experience with. Are you ready for that Hun?

24 "To keep things 'normal' I believe it would be best for  
25 her to see us together intimately. When you say she has seen

1 things, are you referring to you having sex in front of her, or  
2 you just being naked in bed with a man? These are details that  
3 shouldn't be overlooked. I think it would make really good  
4 sense to have her see us together, in this light.

5 "Let this become part of her comfort zone. If done  
6 correctly, it won't be a threatening environment whatsoever for  
7 her. We need to maintain the safety of her home for her. Once  
8 this is seen as comfortable, you will need to open  
9 communications with her regarding intimacy. Your intimacy and  
10 hers. Once this door is effectively opened I can become a part  
11 of the dialogue, as can the explanation of why this is  
12 different, and not bad. This is not someone taking advantage  
13 of someone, or making someone do something they don't want to  
14 do. This is just part of growing up with a very loving and  
15 caring mom, who wants what's best for her daughter.

16 "Our meeting - Sunday, late afternoon/early evening should  
17 work fine for me. Would you like to get something to eat? We  
18 can meet wherever you would like - downtown is fine. I don't  
19 know your, or Maddie's eating habits ... please let me know  
20 what you think ... I'm fine with anything from a slice or 2 of  
21 pizza, to a hamburger, to Olive Garden, or basically anything  
22 else ... Maddie is absolutely welcome and wherever we decide to  
23 go is on me.

24 "Please let me know what you think about what I wrote  
25 above and about meeting Sunday. I will make whatever you like

1 work Hun" heart symbol.

2 "I have a meeting at 8:30 - I'll check my mail when it's  
3 done.

4 "XOXO,

5 "Randy."

6 "Are we okay hun??

7 "XOXO,

8 "Randy."

9 A "Hey bab, everything is 100 percent fine, I was just  
10 watching a movie with Maddie so away from the computer for a  
11 few minutes. You're definitely right about household rules  
12 needing to be maintained. I don't want to disrupt things for  
13 her. She's just growing up so fast, I'm worried if things are  
14 prolonged it will be more difficult rather than easing into it.  
15 When I say she has seen things, she has seen sex ... it was  
16 somewhat unintentional, but she has seen it completed. We can  
17 figure something out as Sunday gets closer ... I just feel like  
18 the sooner the better if that makes sense."

19 Heart symbol "Meg."

20 MS. MASTERSON: "Hi Hun.

21 "I'd like to understand the urgency if you will share. I  
22 just want to ensure I understand all that is going on and the  
23 forces involved.

24 "I'm looking forward to seeing you. Seeing you both."

25 Heart symbol.

1           "Randy."

2 A        "I'm trying to verbalize as best I can. I just feel like  
3 she's getting older every day, and in my heart it just feels  
4 urgent. It's so hard to explain and I'm sorry I can't put it  
5 better. I'm about to head to bed for the night, love, but  
6 please email me back and I'll look forward to seeing it first  
7 thing in the AM. Hope the rest of your night at work is good.  
8 XOXO.

9           Heart symbol "Meg."

10          MS. MASTERSON: "Hello Babe.

11         "Thanks. I know you're doing your best to articulate a  
12 'feeling.' I was wondering if there were signs that Maddie was  
13 experimenting on her own, or something. I trust your judgment  
14 completely. If you're thinking we need to speed things up, we  
15 will. I think the more openness the better as I start to  
16 explore with her though. And I'm so glad we will be taking  
17 this journey together." Heart symbol.

18         "How do you feel about increasing your discussions with  
19 her regarding sexual intimacy? Somehow, we need to bridge this  
20 to the point that she is aware that what we're doing is good  
21 for her, and a natural part of growing up. That when programs  
22 at school discuss sexual abuse, this is not what they are  
23 referring to. We want her to recognize a dangerous situation  
24 and we want her to realize the difference. I don't want  
25 anything to interrupt your family environment and I also don't

1 want anyone to try to put me in jail. I assume that together,  
2 with your guidance this will not be an issue.

3 "So, lets assume that all goes well to begin with. In a  
4 short time we'll be enjoying each other intimately, and opening  
5 ourselves up for discussion with Maddie. She has seen you have  
6 sex, though she didn't have too much to say about it at the  
7 time. Maybe she will be more interactive after you and I are  
8 intimate while she is there and the situation is slightly more  
9 open to include her. With your permission, my nudity will be  
10 present in addition to your own. When the time is right, and  
11 as her comfort level dictates, we initiate her access to, and  
12 exploration of my body. She'll likely see me soft, and hard,  
13 and everything in between. As this progresses, we will welcome  
14 her to explore. As such, it will likely be a good time for me  
15 to reciprocate with her, at least a little. Sucking her  
16 nipples maybe, maybe neck kisses, etc. To show her that  
17 passion is a normal reaction to physical stimulation. Your  
18 body will be there as well, so we can talk about the process a  
19 woman's body goes through as it matures. And how bodies work  
20 together for the act of having sex.

21 "We'll answer any questions she has, while we explain what  
22 this all means for her and her young body. I'll then proceed  
23 slowly to position her and I so that I can tongue her young  
24 labia and stimulate her clit with my lips and tongue. I am so  
25 looking forward to you being there as I do this. As we urge

1 her to describe what she likes, and work with me to increase  
2 the pleasure she is feeling. I want to feel her cum in my  
3 mouth Babe. I want to suck on her beautiful little pussy as  
4 she quivers in the pleasure of orgasm. Mmmmmmm.

5 "In the interest of honesty, how are you going to react if  
6 she wants to go farther? If she wants to feel me inside her?  
7 She knows what sex is - she's seen it. I just want to talk  
8 about this now, so we are ready if it happens, Babe. I will  
9 follow your lead here. If you don't want penetration, it won't  
10 happen. You know her, and probably know what to expect from  
11 her. What we don't want is for her to gain enough experience  
12 to go seek penetration somewhere else though. Something for us  
13 to discuss ... I think I told you that I've had a vasectomy -  
14 so that is not a worry either way Hun." Heart symbol.

15 "Do you want her to see me cum? We should talk about this  
16 as well. Mmmmmmm. I want to make love to you Meg.

17 "I had better get back to work. Please write to me when  
18 you can - I enjoy hearing from you so much." Heart symbol.

19 "Lovingly,

20 "Randy."

21 MR. GILMAN: Let me interrupt there for a moment.

22 Q Ms. Lawton, previously had you asked Mr. Sheltra in this  
23 exchange "what's the most challenging part for you"?

24 A Yes. Yes, I had.

25 Q Did Sheltra eventually answer that question?

1 A Yes.

2 Q Let's continue reading.

3 MS. MASTERSON: "Hi Hun. I remembered you asking what  
4 part of this situation I find the most challenging. I would  
5 say that, like you, its the exposure. If we were to fail at  
6 keeping this private and contained, the consequences would be  
7 extreme for something that is in no way, bad or unhealthy.

8 "We need to ensure Maddie knows this is okay, Hun. And  
9 that it is different from the things that are discussed in  
10 school. I need your help with that, k??

11 "That is by far the most challenging part. The next  
12 challenge is reading you. I want to fulfill your desires on  
13 multiple levels. I want to be something better than you are  
14 accustomed to personally, and I want to be what you are seeking  
15 (and more) for Maddie.

16 "She is your life, and I want you to see her treated as  
17 you imagine in your mind. Indirectly, you have said what you  
18 want for her. But the situation is such that you  
19 understandably have found it difficult to share what you are  
20 feeling - desiring for her. Maybe once you're laying in my  
21 arms after we've made love, our small talk will turn to this  
22 and you will be able to share what you're feeling with me. I  
23 hope so.

24 "Lovingly," heart symbol.

25 "Randy."

1       "Hi Babe,

2       "I hope your Saturday is going well." Smile face symbol.

3       "I'm just waking up - thinking about seeing you and Maddie  
4 on Sunday. Mmmmm." Heart symbol, heart symbol.

5       "One more night to work - can't wait for some time off!

6       "I hope you will email me to say hello ... I wanna hear  
7 from you." Smile face symbol.

8       "XOXO,

9       "Randy."

10 A      "Sorry I've been quiet for awhile. I spent the morning  
11 getting groceries, cleaning, and house stuff. I want to make  
12 sure I don't have to worry about any of that stuff tomorrow,  
13 for obvious reasons" smile face symbol. "I've started talking  
14 with Maddie about you and somewhat the situation. She knows  
15 that you are a safe person, and I've tried to educate her all  
16 along that different levels of things are ok with different  
17 people. She's a pretty quiet kid anyway, and I'm pretty sure  
18 she doesn't really confide in anyone besides me, so I think we  
19 will be okay there, even from the start. I hope you don't feel  
20 too challenged in reading me ... it seems to me like you are  
21 understanding my desires, especially surrounding Maddie, based  
22 on the things you've described doing with her (and I).

23       "It's nice to hear that you are thinking of both of us"  
24 smile face symbol. "I'm looking forward to tomorrow. I take  
25 it you are working tonight? I know you said it was every other

1 Saturday. Do you have any limitations around people in your  
2 personal life? Like do you live alone? I'm hoping you have  
3 some freedom where there's not people on your end who you need  
4 to worry about discovering our connection. I hope you had a  
5 nice sleep today and can't wait to hear from you again (and see  
6 you soon!!)"

7 Heart symbol "Meg."

8 MS. MASTERSON: "Hello Babe,

9 "Thanks for the reply, and for the discussion you've been  
10 having." Heart symbol. "My heart is racing, and my breath is  
11 short as I write this. I'm wanting you both, badly. Mmmmmm.

12 "Yes, it's my long week unfortunately. If I had tonight  
13 off maybe we'd be getting together. Damn.

14 "I'm divorced and live alone Babe. Absolutely nothing to  
15 be concerned about on my end Hun. My place is a work in  
16 progress, but it is very private and secluded. If you and  
17 Maddie like the country, we can come here sometimes as well.  
18 I'd just have to clean first, lol. I am a guy, afterall."

19 Smile face symbol.

20 "I would love to hear what you talked about ... I'm so  
21 glad that she knows a little about me. Fuck, I want you both  
22 so much ... I've been thinking about the 2 of you in my every  
23 waking moments. I can't wait to be in bed with both of you.  
24 Loving you both. Mmmmmm. So amazing Babe.

25 "I have to make this erection subside and leave for work.

1 Know my heart is pounding for you, Love.

2 "I'll write to you tonight Babe.

3 "XOXO,

4 "Randy."

5 "Hi Hun.

6 "Just pulled into work, but was wondering if you have  
7 ideas on where we meet, and how you would like tomorrow to  
8 unfold.

9 "I would like to sleep until mid day but if time is a  
10 concern I'll adjust.

11 "Please lmk what time will work for you, and how you would  
12 like things to transpire." Heart symbol -- heart emoji, heart  
13 emoji.

14 "I know you guys have school and stuff on Monday, so about  
15 what time would you like me to plan on staying until? I'm  
16 flexible with anything Babe.

17 "Lovingly,

18 "Randy."

19 MR. GILMAN: Let me interrupt for a moment.

20 Q Ms. Lawton, based on your training and experience, what  
21 does "LMK" mean?

22 A Let me know.

23 Q Thank you. Let's continue reading.

24 A "I didn't realize how late it was ... I was surprised you  
25 were already getting to work lol. I was thinking mid or late

1 afternoon tomorrow, not entirely sure about where yet, but I'll  
2 figure it out before then, I promise" smile face symbol.  
3 "Maybe meet somewhere public, then back to my place for more  
4 private things" smiley face symbol. "I definitely want you to  
5 get your sleep first and be well rested. I was thinking we  
6 could play it by ear as far as how long you stay. If things  
7 are going well (which I'm sure they will) staying the night  
8 would be a possibility if you want. As far as how I would like  
9 things to transpire ... I feel like we have the connection at  
10 this point where I would be comfortable with the things you've  
11 written about before ... those things that have been on your  
12 mind ... let me know what you're thinkin? Can't wait!

13 "XOXO."

14 Heart symbol "Meg."

15 MS. MASTERSON: "Mmmmmmm. Sounds good Babe. Public  
16 first is fine with me. That sounds good to me also. I'm sure  
17 it will take a little time for Maddie to warm up to me and we  
18 want things to unfold casually and naturally." Heart symbol.

19 "Does this sound about like what you envision Hun?

20 "Once we get back to your place we just get comfortable  
21 all together, letting the physical interaction progress from  
22 there at a natural pace. At the point where clothes are  
23 starting to create a burden, we all take things to the bedroom.  
24 With clothes 90 to 100 percent off, we begin with some group  
25 snuggling and touching/exploring. Then, we get a little more

1 focused on Maddie. I make myself completely accessible to her,  
2 and seeing where her curiosities take us. She will be getting  
3 the majority of my attention at that point, as I caress her and  
4 stimulate (licking/sucking) her nipples, along with her labia,  
5 and other erogenous zones. Though the focus will be on her,  
6 you will be a constant reference for her, as I also spend time  
7 on your nipples and labia. If she's comfortable touching and  
8 exploring me, we'll give that priority as well, along with lots  
9 of discussion throughout. I'm thinking her interest in me may  
10 come once I've given her a lot of focus and hopefully we've  
11 brought her to orgasm at least once. She may likely be curious  
12 about my anatomy by that point.

13 "Has she ever orgasmed before that you know of hun? Kids  
14 often 'explore' on their own, so please don't be surprised by  
15 my asking.

16 "If not, it will likely take a lot of focus and both oral  
17 and manual stimulation. That will be a big win, once it  
18 happens. Mmmmmm. If we're struggling to get her off, maybe we  
19 shift focus to you, to show her how it is done ... Mmmmmm. I  
20 love the thought of both of you cumming for me ... The whole  
21 time will be filled with loving caressing, touching, kissing  
22 and affection. If she wants to see you and I do something, we  
23 will accommodate, while keeping her fully engaged. I like the  
24 thought of her watching you ride me to orgasm. Mmmmmm.

25 "Options to this (in my mind) include bath time for

1 her ... before or after. I'm sure she's sanitary to begin  
2 with, so maybe we could make bath time for her after we play so  
3 it can be enjoyed by all of us. She should be completely comfy  
4 with me by then." Smile face symbol.

5 "Please let me know what you think - this is just an  
6 idea - you're the leader of the household and house rules are  
7 remain in place.

8 "Wanting you,

9 "Randy."

10 A "It's like you read my mind ... we are definitely on the  
11 same page tomorrow. I know she's explored herself at least a  
12 few times, but not sure about orgasm. I didn't really know  
13 whether girls that age could orgasm. But I guess I don't see  
14 why they couldn't. Have you tried it before? She bathes  
15 regularly so I'm not sure she would need a bath before, after  
16 might be nice like you said. I probably should've gone to  
17 sleep hours ago, but my mind is racing, and I have a fluttering  
18 in my chest. I can't wait. I was thinking around 3 tomorrow  
19 afternoon would work for us. I will email you as soon as I can  
20 tomorrow, but not sure what time it will be. I'm going to try  
21 to give Maddie a nice relaxing day before hand and plan to  
22 bring her maybe to the playground for the morning. I'm off to  
23 bed now my love! Tomorrow will be amazing XOXO."

24 Heart symbol "Meg."

25 MS. MASTERSON: "Hi Babe, that fluttering in the chest

1 thing is becoming the norm for me too, lol ... I hope you slept  
2 well. I'm curious if you have masturbated imagining the 3 of  
3 us playing together. It is so exciting to me, I have gotten  
4 off several times thinking about it. I'm not going to jerk off  
5 when I get home tonight though - I want to save it ... and I  
6 googled it to make sure, but girls can orgasm at any age. That  
7 said, some women never do. God, I hope we can get her off. I  
8 think that once she knows how, and how good it feels, she will  
9 know how to get there again ... Mmmmmm.

10 "To answer your question; I have not tried, lol. But I  
11 remember a girlfriend I had - who was 15 - having her first  
12 orgasm. It was absolutely amazing. It was when I was  
13 fingering her and her pussy was spasming so hard it was  
14 literally gripping my fingers as she came.

15 "3PM should work fine. Just lmk where you want to meet."  
16 Smile face symbol.

17 "I'm hoping everything goes well ... if it does, it will  
18 definitely be one of the most amazing experiences I've ever  
19 had.

20 "Lots of Love,

21 "Randy" heart symbol.

22 MR. GILMAN: Let me interrupt for one moment.

23 Q Ms. Lawton, what does it mean to Google something?

24 A It means to use the website Google to look up either what  
25 something means or look for information about something.

1 Q Okay. And what do you call the -- what you look up Google  
2 on?

3 A The Internet. A search engine on the Internet.

4 Q Thank you. Let's continue reading.

5 MS. MASTERSOHN: "Good morning, my love. I'm home, and  
6 getting ready to sleep for a while. I can't begin to tell you  
7 how much you're on my mind ...

8 "I hope you have a great morning, and you want to see me  
9 half as much as I want to see you." Heart emoji.

10 "This afternoon can't come soon enough for me Babe.

11 Mmmmmm.

12 "Love,

13 "Randy."

14 A "Hey Babe,

15 "I've certainly enjoyed the thoughts about what is in  
16 store today. I'm glad you looked up the orgasm thing, that's  
17 good to know. I hope you made it through your night at work  
18 okay and were able to rest/sleep this morning. Let me know if  
19 you're awake, so we can work out the specifics. I'm still  
20 thinking around 3 or a little later, depending on when you get  
21 back to me and how long it will take you to drive down here.

22 Can't wait!"

23 Heart symbol "Meg."

24 MS. MASTERSOHN: "Hi Hun. Yes, I got through the  
25 night, it was long but it's over!

1        "I just got out of the shower, so I can leave within  
2 minutes. So 3 to 3:15 is doable.

3        "If you wanna text, my number is 8023102018.

4        "I'm fine either way, my love."

5        Heart emoji.

6 A        "Yay! I can't remember if I told you much about where we  
7 live besides Burlington area. We're actually in South  
8 Burlington. I was thinking with it being such a nice day out  
9 Maddie and I could walk to meet you near this little park/pull  
10 off area near where we live. Let me know when you're heading  
11 out and we can text to make sure you can find it."

12        Heart symbol "Meg."

13            MS. MASTERSOHN: "Sounds good" --

14            MR. GILMAN: One moment.

15            MS. MASTERSOHN: May I have a moment, your Honor?

16            THE COURT: Yes.

17        (Pause in the proceedings.)

18            MS. MASTERSOHN: Thank you, your Honor.

19        "Sounds good Hun. I'll be leaving in about 5 minutes but  
20 it's gonna take me about 50 minutes to get there." Heart  
21 emoji.

22 A        "Ok perfect! My number is 739-0057, text me when you  
23 leave!"

24        Heart symbol, heart symbol "Meg."

25 Q        BY MR. GILMAN: Ms. Lawton, did you switch to text

1 message -- excuse me.

2 Did you switch to text messages to communicate with Mr.  
3 Sheltra?

4 A Yes.

5 Q Why the switch?

6 A He had provided his number and asked if I wanted to text  
7 and also indicated that he would be driving.

8 Q Did you save the text messages between you and Mr.  
9 Sheltra?

10 A Yes.

11 Q I'm going to ask you to look at Government Exhibit 5 in  
12 your binder. Do you recognize this?

13 A Yes, I do.

14 Q What is it?

15 A It is the saved information from the text messages between  
16 myself and Mr. Sheltra.

17 Q Is this a true and accurate and complete copy of those  
18 text messages?

19 A Yes, it is.

20 MR. GILMAN: The Government offers Government Exhibit  
21 5.

22 THE COURT: Any objection?

23 MR. KAPLAN: No, your Honor.

24 THE COURT: Government's Exhibit 5 is admitted.  
25 (Government's Exhibit 5 was received in evidence.)

1 MR. GILMAN: May we publish it to the jury, your  
2 Honor?

3 THE COURT: You may.

4 Q BY MR. GILMAN: Ms. Lawton, could you explain the headings  
5 on -- the headings of the column on Government Exhibit 5 from  
6 left to right for the jury?

7 A Sure. So the columns show the date that the text message  
8 was sent or received; as well the time in the next column over.

9 And then the next column where it says "Number," that is  
10 the phone number that was either sending or -- or receiving the  
11 messages from -- to or from my phone number.

12 "SMS" just indicates that it's a text message where it  
13 says "Type."

14 The "Direction" shows whether or not the message was  
15 outgoing from my phone or incoming to my phone.

16 "Content," right here, shows what was actually said or  
17 typed in the text message.

18 And then the "File Name" just is names that are associated  
19 with the text messages when -- when they're saved.

20 Q Thank you. In this exhibit, could you indicate for the  
21 jury which is your phone number.

22 A So my phone number is the one here at the top where it  
23 says "Detail for 802-739-0057."

24 Q And what cell number did you receive text messages from?

25 A So I received text messages from this number here, which

1 is 802-310-2018.

2 Q Thank you. I'm going to ask you to look at Government  
3 Exhibit 17, a previously agreed-to exhibit. Do you recognize  
4 this?

5 A Yes, I do.

6 Q What is it?

7 A This is a business record from Verizon that shows the  
8 information associated with the 802-310-2018 phone number.

9 MR. GILMAN: The Government offers previously  
10 agreed-to Government Exhibit 17.

11 MR. KAPLAN: No objection, your Honor.

12 THE COURT: It's admitted.

13 (Government's Exhibit 17 was received in evidence.)

14 MR. GILMAN: May we publish it to the jury?

15 THE COURT: You may.

16 MR. GILMAN: Could we zoom on the record just so it's  
17 a bit larger, Ms. LaBombard. Thank you so much.

18 Q BY MR. GILMAN: Okay. Where -- where on this document is  
19 the phone number listed?

20 A So the phone number is listed in column A here under  
21 "Searched-Value."

22 Q What is the name of the account holder?

23 A The account holder's name is shown right here, and it  
24 says -- the last name is Sheltra, and the first name is Randy.

25 Q What is the address of the account holder?

1 A The address of the account holder is 53 Hidden Drive in  
2 Alburgh, Vermont.

3 Q What date was the beginning date of this account?

4 A March 1st, 2005.

5 Q And when was the end date of this account?

6 A August 1st -- August 1st, 2018.

7 Q Thank you.

8 MR. GILMAN: Could we refer back to Government Exhibit  
9 .

10 Q On what date were these messages -- text messages sent on  
11 Government Exhibit 5?

12 A They were all sent on September 10th, 2017.

13 Q Between what times were the messages exchanged?

14 A So the first message was at 2:28 PM.

15 MR. GILMAN: If we could just look at the last page of  
16 this exhibit as well.

17 A And the final message was at 3:17 PM. So between 2:28 and  
18 3:17 PM.

19 Q Okay. That's fine. We're going to go through this full  
20 exhibit and I'm going to ask you and Ms. Masterson again to  
21 read these messages the same way we read the email messages.

22 A Okay.

23 Q Just before we get to that, I want to ask you -- no.  
24 Let's just get to the messages. Excuse me. Thank you,  
25 Ms. Lawton.

1 A "Hey, my heart's pounding out of my chest ... when ur on  
2 the way, let me know."

3 MS. MASTERSOHN: "Hi babe, my heart is doing the same  
4 thing, hun! I am pulling out of my driveway now babe." Heart  
5 emoji.

6 A "Can't wait."

7 MS. MASTERSOHN: "Me either."

8 A "From alburg will you come down 89?"

9 MS. MASTERSOHN: "Actually I'll go Route 2 through the  
10 islands and pick up 89 at the chimney corners intersection."

11 A "That makes sense, you'll want to get off at exit 14 to  
12 come to."

13 MS. MASTERSOHN: "Ok Babe" heart emoji.

14 A "I'm ok ... are you?" Smiley face symbol "Are you on the  
15 interstate yet?"

16 MS. MASTERSOHN: "I'm okay. No, still in the  
17 islands ..."

18 A "I'm just anxious lol."

19 MS. MASTERSOHN: Heart emoji, heart emoji, heart emoji.

20 A "To see you" smile face symbol.

21 MS. MASTERSOHN: "Me too Babe. Me too!"

22 "And to play" shocked face emoji.

23 A "Of course!"

24 MS. MASTERSOHN: "I'm about 2 minutes from getting on  
25 the interstate hun. After I take Exit 14 where do I go?"

1 A "Do you know where Community Drive is?"

2 Q Ms. Lawton, sorry.

3 A I'm sorry.

4 Q Do you mind just repeating that? We're just pulling up  
5 the exhibit.

6 A Oh, I'm sorry.

7 Q And just for the record, what part of these text messages  
8 are you reading?

9 A I'm reading the content.

10 Q And as to which sender when you read the text message?  
11 Who is sending them?

12 A Reading the outgoing text messages that I send.

13 Q Okay. That's just -- if it's an outgoing message, what  
14 does that mean?

15 A That means that I sent the message from my phone to the  
16 other phone.

17 Q And Ms. Masterson, what part is she reading?

18 A She's reading the incoming messages.

19 Q Okay. Thank you.

20 A "Do you know where Community Drive is? Like where the  
21 Planet Fitness is in S. Burl? There's a little like pull off  
22 area in front of a farm field where you can walk up to whales  
23 tales."

24 I'll meet you right in the pull off like in front of the  
25 field. What are you driving so I'll know it's you?"

1 MS. MASTERSON: "I'm driving an older gold colored  
2 Nissan Pathfinder Babe."

3 A "Ok. How much longer do you think you'll be?"

4 Q One moment while we pull up those text messages on the  
5 screen.

6 A I'm sorry.

7 Q Could you read that again?

8 A Of course.

9 "Ok. How much longer do you think you'll be? Just want  
10 to know when to start walking. Maybe let me know when you get  
11 off the interstate."

12 MS. MASTERSON: "I'm right by Exit 16 now. I will let  
13 you know when I'm taking exit 14."

14 A "Ok!"

15 MS. MASTERSON: Heart emoji.

16 "I just took Exit 14 East so I am headed towards like Al's  
17 French fries right now."

18 "I know where the whale tails are so I think I'm going to  
19 be in the general area that I'm supposed to be!"

20 A "Yeah, it's like off Community Drive, which is off Kimball  
21 Ave."

22 Q I'll ask you to pause there for one second. Okay. Great.  
23 I just wanted to make sure we didn't miss a message.

24 Let's continue reading.

25 A Okay. "You're close! Maddie and I will start walking

1 out."

2 MS. MASTERSON: "Okay babe see you in a couple of  
3 minutes."

4 A "How close are you?"

5 MS. MASTERSON: "I just turned onto Community Drive."

6 A "Ok, you're almost there."

7 MS. MASTERSON: "I just parked across the street  
8 because there are two cars in the little lot on the same side  
9 of the road as the whales tails."

10 Q Ms. Lawton, where were you physically located when you  
11 were sending these text messages?

12 A I was in the office of the Homeland Security  
13 Investigations.

14 Q And where is that office? In what town is that office  
15 located?

16 A That's also in South Burlington.

17 MR. GILMAN: May I have a moment with counsel, your  
18 Honor?

19 THE COURT: You may.

20 MR. GILMAN: Thank you, your Honor. No further  
21 questions at this time.

22 THE COURT: All right. Any cross-examination?

23 MR. KAPLAN: Judge, I'm wondering if we should start  
24 now or after lunch?

25 THE COURT: What's your preference?

1 MR. KAPLAN: Well, I asked, so probably after lunch.

2 THE COURT: All right. There's no magic hour. It's  
3 quarter of noon. If we come back at quarter of 1:00.

4 Let's start now, now that I'm thinking about it, because I  
5 think we're going to be providing lunch, correct, Ms. Ruddy, to  
6 the jurors?

7 COURTROOM DEPUTY: We are.

8 THE COURT: So their timing it off a noon start. So  
9 let's have the cross-examination at least start.

10 MR. KAPLAN: Start now?

11 THE COURT: Yes, please.

12 MR. KAPLAN: Okay.

13 CROSS-EXAMINATION

14 BY MR. KAPLAN:

15 Q So, Ms. Lawton, at the time that you first responded to  
16 Mr. Sheltra's posting on Craigslist, as I understand it, you  
17 were working undercover?

18 A Yes.

19 Q And you were pretending to be someone that you were not?

20 A Correct.

21 Q When you -- You said something in your direct examination  
22 about you're taught at these trainings that you've had not to  
23 take the lead?

24 A Yes.

25 Q And is the reason for that so that you're not the one that

1 actually manufactures a crime, that you let the target that  
2 you're dealing with be the one that makes the crime?

3 A Correct. I'm investigating what it is that the other  
4 person intends to do.

5 Q So it's your training that if you act too aggressive, make  
6 too many suggestions on your own, that it might appear that  
7 you're the one that's pushing the issue, not the person you've  
8 targeted?

9 A I mean, I don't know that, like, the wording in the  
10 training is "act too aggressively." The training is, you know,  
11 not to be the one who suggests meeting, who suggests setting a  
12 particular type of sexual contact, that type of thing.

13 Q Of course, you did that on numerous occasions in this.  
14 Aren't you the one that suggested that you were interested in  
15 sexual contact and your daughter was on several occasions,  
16 which was not in response to something Mr. Sheltra said?

17 A It was in response to what Mr. Sheltra said.

18 Q So when you said that I've talked with Maddie, she's seen  
19 things, and I know what I want to do and what I want for her,  
20 you're saying that was in response to something Mr. Sheltra had  
21 said?

22 A Yes.

23 Q Okay. Does it concern you that you may have manufactured  
24 a crime here?

25 A No.

1 Q Well, when you -- when you -- I mean, you've had  
2 experience, apparently quite a bit of experience, in this,  
3 pretending to be someone that you're not; is that correct?

4 A What -- what do you mean?

5 Q When you're working undercover?

6 A What do you mean by "quite a bit of experience"?

7 Q How much experience have you had?

8 A Under -- like in undercover investigations?

9 Q Yes.

10 A Is that what you mean?

11 Probably 10 to 15.

12 Q So do you consider that a fair amount of experience?

13 A Yes.

14 Q Okay. And are you taught in your training and from your  
15 experience that when you get involved in an area like this,  
16 that there are people that just fantasize about what's going  
17 on, enjoy that kind of sexual dialogue with others?

18 A Yes.

19 Q Okay. So you're aware of that issue?

20 A Yes.

21 Q And when you look at the graphic descriptions that Mr.  
22 Sheltra said about what could happen with you and with your  
23 daughter, doesn't that strike you as being a little extreme?

24 A What do you mean by "a little extreme"?

25 Q Well, in terms of going into as much detail as he did,

1 explaining how everything's supposed to be done step by step.  
2 Doesn't that sound to you like someone that's more interested  
3 in fantasizing about it and thinking about it than actually  
4 doing it?

5 MR. GILMAN: Objection. Calls for speculation.

6 THE COURT: I'll allow it.

7 A Not necessarily, no.

8 Q Okay. So when you say "not necessarily," it's certainly a  
9 possibility?

10 A Based on just the conversations alone, yes. People who  
11 are interested just in fantasy and in talking don't usually  
12 suggest meeting or make arrangements to actually meet.

13 Q Well, what if he -- what if he was just interested in  
14 meeting you and just wanted to have sex with you? Would that  
15 justify him wanting to meet you?

16 A I don't believe that's what happened since he described in  
17 detail detailed sexual encounters he wanted to have with my  
18 daughter, with a 10-year-old child.

19 Q Did you understand my question?

20 A I thought I did, but --

21 Q Well, maybe you could answer it, then. If he was just  
22 interested in having sex with you, would it be so unusual for  
23 him to ask to meet you?

24 MR. GILMAN: Objection, your Honor.

25 THE COURT: Basis?

1                   MR. GILMAN: It goes to Mr. Sheltra's specific  
2 thoughts.

3                   THE COURT: Well, he's asking what are reasonable  
4 interpretations. It's within the scope of cross-examination,  
5 which is broad. The objection is overruled.

6                   And, Mr. Kaplan, you may continue.

7 A                 Could you ask the question again, please?

8 Q                 Okay. If Mr. -- you indicated that people who are not  
9 interested in having sex with minors don't ask for a meeting.  
10 Right? Isn't that what you said?

11 A                More or less, yes.

12 Q                But isn't it true that if he was not interested in having  
13 sex with a minor, only with you, that wouldn't be unusual for  
14 him to ask for a meeting with you, would it?

15 A                I don't believe that's what he was interested in based on  
16 the conversations.

17 Q                Did you understand my question?

18 A                I guess not, no, because I'm answering it with what I  
19 would understand to be an answer to that question.

20 Q                Suppose -- let's just take a hypothetical, okay? Suppose  
21 that he was only interested in you and not your daughter, all  
22 right? Can you understand that? You know what --

23 A                I'm confused about the hypothetical versus the actual  
24 emails are --

25 Q                So you know what a hypothetical is, right?

1 A I do.

2 Q So you can accept the premise, let's say, for example, in  
3 this hypothetical he was only interested in having sex with  
4 you, not your daughter. Okay?

5 A I can accept that premise in the hypothetical. We're  
6 talking about some other situation completely outside the  
7 actual conversation, yes.

8 Q That's what a hypothetical is, right?

9 A Yes.

10 Q Okay. And under -- in that hypothetical, would it be all  
11 that unusual for him to ask to meet with you?

12 A I don't know. It might not be unusual.

13 Q It would not be unusual; is that what you said?

14 A I said I don't know, that it might not be unusual.

15 Q Well, how come you know that it would be -- it would not  
16 be unusual to ask to meet with you if he wanted to have sex  
17 with you and your daughter but you don't know whether or not it  
18 would be unusual for him to want to meet just with you?

19 A Could you ask that again? I'm sorry.

20 Q So how do you actually know -- when all this is said and  
21 done and you've heard all of the detailed explanations of what  
22 you said and what his response is, how do you know he actually  
23 intended to do something?

24 A He said in the emails what he intended and then arranged  
25 to meet and showed up at the meeting location.

1 Q So is it your testimony that the fact that he arranged to  
2 meet with you is fairly detailed?

3 A Yes.

4 Q And that's important because it shows his intent?

5 A Yes.

6 Q And it's important because if he didn't do that, just  
7 looking at the emails themselves wouldn't be enough to show  
8 that he intended to do anything?

9 A Correct.

10 Q Okay. So do you understand that in your text -- let me  
11 make sure I understand that.

12 In your text messages when he was on his way, you said --  
13 you talked to him about the fact that he was coming from  
14 Alburgh.

15 A Yes.

16 Q And how did you know that?

17 A From his Facebook page that said he was from Alburgh.

18 Q But are you aware of the fact that he never told you that  
19 he was coming from Alburgh?

20 A I noticed that reading back through the messages, yes.

21 Q Pardon me?

22 A When I reviewed the messages after the fact, yes, I  
23 realized that.

24 Q Okay. And so when you said -- when you said to him you're  
25 coming from Alburgh, you sort of gave away that something was

1 up, right, or possibly did?

2 A It's possible if he noticed that, yes.

3 Q And would you be surprised to hear that when Mr. Sheltra  
4 heard you use the term "Alburgh," the town of Alburgh, that he  
5 knew that you were probably a police officer?

6 MR. GILMAN: Objection.

7 THE COURT: It assumes facts not in evidence at this  
8 point. So you can frame it as a hypothetical, but we don't  
9 have those facts before the jury.

10 So the objection is sustained.

11 Q So isn't it possible, hypothetically speaking -- we know  
12 what that is now, right?

13 A Yes.

14 Q -- hypothetically speaking, that if Mr. Sheltra heard you  
15 say while he was driving down to South Burlington that you said  
16 he's coming from Alburgh, hypothetically you might have  
17 disclosed to him that you were not who you were pretending to  
18 be?

19 A It's possible.

20 Q Okay. And do you know whether or not that happened?

21 MR. GILMAN: Objection.

22 THE COURT: I'll allow it.

23 A Whether what happened? Whether --

24 Q Mr. Sheltra figured out that you were probably a police  
25 officer because you used the term "Alburgh"? Do you know

1 whether or not --

2 A I don't. He didn't give any indication of that.

3 Q And if you were to understand at some point,

4 hypothetically speaking, that in fact that's exactly what  
5 happened, how would you feel about his intent at that point?

6 A I mean, I'd be surprised that he still showed up.

7 Q Okay. But it would be -- it would be a problem for you?

8 A What do you mean?

9 Q If he knew that you were a police officer when he came  
10 down to meet you.

11 A What do you mean by "a problem"?

12 Q It would make your case more difficult. In other words,  
13 the intent would go away because he wasn't coming down to meet  
14 with -- with you and your daughter.

15 MR. GILMAN: Objection, your Honor.

16 THE COURT: It's within the scope of  
17 cross-examination. I'll allow it.

18 Q Isn't that true?

19 A I don't know.

20 THE COURT: Is this a logical breaking point, Mr.  
21 Kaplan?

22 MR. KAPLAN: Yes, Judge.

23 THE COURT: All right. We'll take our lunch break.

24 Ladies and gentlemen of the jury, don't talk about the  
25 case. Don't let anybody talk to you about the case. I wish

1 you a good lunch. We'll come back at 1:00.

2 I'll have the attorneys remain in the courtroom.

3 (The jury exited the courtroom, after which the following  
4 was held in open court at 11:56 AM.)

5 THE COURT: I have only one thing to bring to your  
6 attention. I'm a little bit concerned about the optics of the  
7 Government's team. If we weren't in a pandemic, I wouldn't  
8 worry about it, but you are not socially distanced. There's  
9 six of you huddled together. I assume the arrangements are  
10 that you're not going to -- you're all in the same bubble, but  
11 I'm just telling you if I was a juror, since I'm looking at it,  
12 it doesn't look good. So if there's any way you can reduce the  
13 numbers, that's great. If there's any way you can be mindful  
14 of it. When I see four heads together conferring, I as a juror  
15 would be like, "Wow, those people are not socially distancing  
16 at all." So let's see what we can do, because the optics are  
17 the reality. And again, if this was a normal situation, I  
18 wouldn't care at all. It's a perfectly acceptable number  
19 otherwise.

20 Anything to bring to my attention before we take our own  
21 lunch break?

22 MS. MASTERSON: No. But if I may ask a question, your  
23 Honor. If that -- I appreciate the Court's concern. Will the  
24 Court have a problem if we keep -- have iPads and we  
25 communicate with our team if they're sitting not in the

1 immediate vicinity?

2 THE COURT: No. I'm just -- however you can achieve  
3 it would be great. Like, for example, do you need two IT  
4 people?

5 MS. LaBOMBARD: Not anymore.

6 THE COURT: Yeah.

7 MS. MASTERSOHN: Not anymore. Ms. LaBombard was  
8 getting training.

9 THE COURT: Okay. Yeah. Maybe not the best case for  
10 training, either. So we are really mindful of the optics.  
11 Anything you can do will be helpful. I'm not going to order  
12 you to do anything.

13 MS. MASTERSOHN: Understood. Thank you.

14 THE COURT: Okay. Anything else to bring to my  
15 attention?

16 MR. KAPLAN: No, your Honor.

17 THE COURT: All right. Thank you.

18 (A lunch recess was taken, after which the following was  
19 held in open court without the jury present at 1:01 PM.)

20 THE COURT: We are back on the record in United States  
21 of America vs. Randy Sheltra.

22 Anything to bring to my attention before we bring back the  
23 jury?

24 MR. KAPLAN: No, your Honor.

25 MR. GILMAN: No, your Honor.

1                   THE COURT: All right. Let's do that. Thank you,  
2 Todd.

3                   (The following was held in open court with the jury  
4 present at 1:03 PM.)

5                   THE COURT: We are back on the record in United States  
6 of America vs. Randy Sheltra. We have Ms. Lawton on the  
7 witness stand. She is still under oath, and we are in the  
8 defendant's cross-examination.

9                   Mr. Kaplan, you may proceed.

10                  MR. KAPLAN: Thank you, Judge.

11 Q                BY MR. KAPLAN: So, Ms. Lawton, I think before the lunch  
12 break we established that you wanted Randy Sheltra to ask for a  
13 meeting because it proved intent, as far as you were concerned,  
14 and that --

15                  MR. GILMAN: Objection.

16 Q                -- when he asked -- when he asked --

17                  THE COURT: Well, it's close enough to a  
18 characterization of the testimony that if the witness disagrees  
19 with it, she'll let us know. So I'll allow the question.

20                  MR. KAPLAN: Pardon me?

21                  THE COURT: I'll allow the question. The pending  
22 question was, "So, Ms. Lawton, I think before the lunch break  
23 we established that you wanted Randy Sheltra to ask for a  
24 meeting because it proved intent, as far as you were concerned,  
25 and that ..."

1 Q I mean, that was important for you?

2 A Yes. Him -- him wanting to meet was important as far as  
3 there being a criminal case.

4 Q But wouldn't -- wouldn't you agree that when Randy Sheltra  
5 said to you -- or Mr. Sheltra said to you he would like to meet  
6 with you, he didn't know whether or not your daughter would be  
7 there or not?

8 A No. I think the email conversations show that he was  
9 clear that my daughter would be involved.

10 Q Well, let me show you Bates number 1202, which was part of  
11 the Government's Exhibit No. 2.

12 MR. KAPLAN: Okay. I knew that would happen.

13 Q You see where I've underlined, it says "Please let me  
14 know ... I'm fine with anything from a slice or 2 of pizza, to  
15 a hamburger, to Olive Garden, or basically anything else ...  
16 Maddie is absolutely welcome and wherever we decide to go is on  
17 me." Do you see that?

18 A I do see that.

19 Q So would you agree anyway that his primary interest was in  
20 meeting with you and if Maddie was there, she was welcome?

21 A I don't agree.

22 Q Isn't that what that says?

23 A I don't know what was in his mind when he wrote that.  
24 Taken alone, that may mean that, but I think in the context of  
25 the other emails, it was clear that that's not what he meant.

1 Q You spent a lot of time on direct examination interpreting  
2 exactly what everything that was said in here meant; isn't that  
3 true?

4 A I don't think so.

5 Q Pardon me?

6 A I don't think we spent a lot of time on that. I think  
7 most of the time was reading the emails.

8 Q But when I -- when I read to you "Maddie is absolutely  
9 welcome and wherever we decide to go is on me," you can't  
10 interpret that to mean that he really wanted to meet you, but  
11 if she was there, that was fine?

12 A I think you could take that line alone and interpret it  
13 that way.

14 Q Wouldn't you interpret it that way alone?

15 A I don't know if that's --

16 Q Why don't you know?

17 A It's hard to interpret the one line when there's pages and  
18 pages that talk about other things.

19 Q Well, if someone said to you I'll give you \$500 if you  
20 interpret that one line for me, what -- how would you interpret  
21 it?

22 A I don't think I'd have any different answer than what I  
23 just said if being offered \$500.

24 Q But if in fact what that line would mean to most people is  
25 that he was interested in meeting you, it didn't matter if

1 Maddie was there or not, wouldn't that be consistent with  
2 everything he said throughout his email correspondence with  
3 you?

4 A No, I don't think so.

5 Q Wasn't he constantly asking to meet with you, to be with  
6 you, to have sex with you?

7 A He did say that, and there were lots of times where he  
8 referenced "you all," "the 2-3 of us," which would include  
9 Maddie.

10 Q And didn't he say on a number of occasions you were the  
11 primary person, you were the important one, you were the one he  
12 wanted to have sex with?

13 A He said that, and then he many times referenced sexual  
14 acts with Maddie also.

15 Q So I think we established that when all of this started  
16 you were working undercover; is that right?

17 A Yes.

18 Q And you were pretending to be someone that you were not.

19 A Yes.

20 Q And isn't it fair to say that everything that you said to  
21 Mr. Sheltra in this email correspondence was a lie?

22 A Yes.

23 Q And when you said you were the mother of a child, that was  
24 a lie?

25 A Are you asking if I have children?

1 Q Well, in this context -- I don't know if you have a child  
2 or not, but when you said you were the mother of a child in  
3 this context, you were lying to him?

4 A Correct.

5 Q Okay. And when you said that you were not a police  
6 officer, you were lying to him?

7 A Correct.

8 Q Isn't it -- isn't it true that at the time you read the ad  
9 looking for Alisha that Mr. Sheltra posted, you had never heard  
10 of him before?

11 A That's correct.

12 Q And at some point you asked him for his personal email, I  
13 understand?

14 A Yes.

15 Q And you asked him for that email while you were  
16 corresponding with him in this email exchange?

17 A Yes.

18 Q And that allowed you to identify who he was?

19 A Yes.

20 Q So while you were doing this email exchange with Mr.  
21 Sheltra, you had figured out who he was, or at least the  
22 investigative team had figured out who he was?

23 A They had figured out who they thought he was. I don't  
24 know if there's any way to be certain.

25 Q And you were informed of that?

1 A Yes.

2 Q So you understood that he lived in Alburgh?

3 A Yes.

4 Q That he was 53 years old?

5 A I think so. I don't remember if that --

6 Q You saw his Facebook ad, right?

7 A I did. I don't remember if it said his age.

8 Q And you were informed that he had no criminal record?

9 A I don't recall. That sounds right.

10 Q You know that he doesn't have a criminal record.

11 MR. GILMAN: Objection.

12 THE COURT: I'll allow it.

13 Q Don't you know that?

14 A I don't know.

15 Q So no one told you while this was going on that he did not  
16 have a criminal record?

17 A They may have, but I don't remember.

18 Q Did you take notes while you were doing this?

19 A Not on -- on what other people were telling me, no.

20 Q Did you take notes, what you were doing, yourself?

21 A No.

22 Q So do you have any notes with respect to this case?

23 A No.

24 Q Okay. At the time that you looked at that ad and decided  
25 to target Mr. Sheltra, you weren't aware of any criminal

1 conduct that he was involved in?

2 A I didn't know who the person was at that time, so I had no  
3 information other than what was in that ad.

4 Q So you didn't know if he was involved in criminal conduct?

5 A The ad made me suspicious for criminal conduct, but no, I  
6 didn't know if he'd been involved in criminal conduct in the  
7 past.

8 Q But you targeted him anyway because of the ad?

9 A The ad was suspicious, so yes.

10 Q When -- when you found out who Mr. Sheltra was, did you  
11 have an opportunity to look at other ads that he had posted on  
12 Craigslist?

13 A No.

14 Q Did you ever see any other ads he posted?

15 A Not that I recall -- or not that I know of.

16 Q Okay. Did anyone in the investigation inform you that he  
17 had never posted any ads where he was seeking a minor?

18 A Not that I remember.

19 Q So when you saw that ad, I guess what stuck out to you was  
20 the word "taboo kink" and the mention that there was a daughter  
21 mentioned?

22 A Those are some of the things that stood out, yes.

23 Q But did it occur to you that Mr. Sheltra only mentioned  
24 the daughter because that was a way for him to identify who  
25 Alisha was so Alisha would know who he was talking about?

1 A That's a possibility. But there were other -- other  
2 things that drew my attention to the ad also that I think,  
3 taken together, raised suspicion.

4 Q Did you think of that as a possibility at the time, that  
5 it was only a way to identify Alisha?

6 A It -- yeah. I mean, it was a possibility.

7 Q Okay. And I'm assuming that you're aware of the fact that  
8 when you saw the words "taboo" or "kink," that those could mean  
9 any number of things?

10 A Those could mean other things, yes.

11 Q It doesn't necessarily mean that someone's interested in  
12 having a sexual relationship with a minor?

13 A Taken alone, no.

14 Q So based on the ad, you thought you would take a shot at  
15 it anyway and see what happened?

16 A I thought that there was enough information that raised  
17 suspicion about that that I would reply and begin investigating  
18 further.

19 Q Because of two words that can have a number of different  
20 meanings?

21 A No. Because of the totality of the ad.

22 Q Is there anything about the ad that we haven't discussed  
23 that caused you to think that?

24 A So the other things that caught my attention when I was  
25 looking at the ad was that it referenced the daughter, the

1 taboo and kink piece that he pretty clearly was talking about  
2 something sexual because he was talking about it being hot and  
3 sexy, and then there's one line in the ad where he referenced  
4 that they could all do something versus -- that made it seem to  
5 me like potentially he was including the daughter in "all," not  
6 just Alisha.

7 Q But there's nothing in the ad that says he wants to have  
8 sex with a minor?

9 A Not outright, no.

10 Q Okay. So you were, what, based on your training and  
11 experience, reading between the lines?

12 A I wouldn't say reading between the lines. The ad raised  
13 my suspicion.

14 Q Did it ever occur to you that in your discussions with Mr.  
15 Sheltra, that he was just enjoying having a sexual conversation  
16 with you?

17 A I mean, I think that was a possibility until he talked  
18 about the things he actually wanted to do and decided to meet.

19 Q Until he said he wanted to meet with you?

20 A I mean, he said he wanted to meet, so I guess that's what  
21 would indicate to me that it wasn't just a conversation.

22 Q Based on your training and experience, I think you said  
23 before the lunch break that you have run into individuals in  
24 this context who just have a lot of fantasies, like playing out  
25 those fantasies, talking about them, they get turned on just by

1 listening to other people's fantasies? Would you agree with  
2 that?

3 A Yes.

4 Q Okay. And so the issue in this case was whether or not  
5 that was Mr. Sheltra, or was he someone that was actually going  
6 to do something; did I phrase that correctly?

7 A Yes.

8 Q And when he said that he wanted to meet you, that's  
9 what -- that's what caused you to -- that's what concluded it  
10 for you?

11 A I think it was the totality of the conversation up until  
12 that point, and then saying he actually wanted to meet was,  
13 like, taking the step to actually do that.

14 Q Well, before the lunch break, you said you didn't feel  
15 that there was enough, that he had to have indicated he wanted  
16 to meet with you to show intent. Have you changed your mind  
17 about that?

18 A I don't remember the exact words I used before the lunch  
19 break, but I think the totality of the things leading up to  
20 meeting go to intent, and then wanting to meet is kind of the  
21 final piece.

22 Q Of course, we know that he never did have any contact with  
23 your daughter because there wasn't one.

24 A Right.

25 Q Okay. But you were able to fool him and convince him that

1 there was one?

2 A It seemed he believed that there was a daughter, yes.

3 Q And the reason you sent him a picture of yourself, an  
4 attractive picture, was to keep him interested?

5 A He asked for a picture, so I sent one in order to continue  
6 the conversation.

7 Q He asked for a picture of you.

8 A Yes.

9 Q And you felt that if you didn't send him an attractive  
10 picture, he might not hang around?

11 A No. I don't think that it was a concern how attractive  
12 the picture was.

13 Q Well, didn't he tell you he thought it was attractive?

14 A He did after I sent it, yes.

15 Q And didn't he stress with you the importance of wanting to  
16 get together and meet you?

17 A I don't remember if he said that right after the picture  
18 or at some other point.

19 Q And didn't he say to you that when you were talking to  
20 him -- you first raised the subject that you had a daughter,  
21 right? I mean, Mr. Sheltra didn't raise that. You told him up  
22 front.

23 A Yeah. That's correct.

24 Q And after the conversations had gone on for a while, you  
25 then said to him -- because he wasn't showing enough interest,

1 you then said, well, my daughter's seen things and I'm not sure  
2 what I want to do, I'm conflicted about it?

3 MR. GILMAN: Objection. Speculation, your Honor.

4 THE COURT: I'll allow this. It's cross-examination.

5 A Could I refer back to the emails for the order of the  
6 messages? I don't have them all memorized. I'm sorry.

7 Q Sure.

8 A Can you repeat the question?

9 Q Pardon me?

10 A Could you repeat the question?

11 Q Well, I guess what I'm getting at is, You were the first  
12 one to raise -- that mentioned the fact that there was a  
13 daughter involved. Right?

14 A Can I refer back to the messages?

15 Q Okay. Sure.

16 A Thank you.

17 Yes, I was. He asked me what I had in common with Alisha,  
18 and I said that I had a daughter.

19 Q Okay. Well, the first email you sent to him was, Hi, have  
20 you found Alisha? I think we might have something in common.  
21 Right?

22 A Yes.

23 Q And then you said, I have a daughter.

24 A Yes.

25 Q Okay. And even after you said all that, what he said was

1 he wanted a picture of you, he wanted to know more about you.

2 A I can -- if you're okay, I can look at the messages to see  
3 what -- the next thing that was said. I know I didn't send him  
4 a picture for quite a while after that.

5 Q But he did say he wanted to know more about you?

6 A He said that at some point, I'm sure.

7 Q Pardon me?

8 A I'm sure he said that at some point. Would you like me to  
9 look and see what the next thing he said was?

10 Q And when -- when he said he wanted to know more about you,  
11 you then at some point started talking about your daughter.

12 A Could I look at the messages? I don't remember --

13 Q Sure.

14 A -- the order.

15 Q You just testified to it on direct examination. Have you  
16 forgotten?

17 A Testified to what? The emails?

18 Q Yes.

19 A I -- I didn't memorize all 20 pages or whatever it is of  
20 emails. I'm sorry.

21 Q Sure. Yup. Please look.

22 A It looks like first he told me that Alisha had been active  
23 with men and other things around her daughter and that  
24 conversations had happened openly and asked me if anything like  
25 that had happened with me, and then he after that asked

1 information about my personal history.

2 Q So then you started telling him about your daughter and  
3 that she had seen things and things along those lines?

4 A Yes. He had asked me that, so I -- I told him --

5 Q And you did that to keep him interested?

6 A I did that to continue the conversation because that's  
7 what he had asked me.

8 Q And even after you said that to him, what he said to you  
9 was he was interested in your fantasies and he wanted to know  
10 all about your fantasies, what you think about at night; he  
11 indicated to you that when he goes to sleep at night, he wants  
12 to think about you and your fantasies; isn't that correct?

13 A If it's okay, I'm -- I'll look and see the next thing he  
14 said.

15 Q Pardon me?

16 A Is it okay if I refer to the messages --

17 Q Of course.

18 A -- to see what the next thing he said was?

19 So after -- after the previous email we were talking  
20 about, he talked more about Alisha and her sexual history and  
21 about her daughter, and then he asked more about how my  
22 daughter had reacted if she'd seen sexual things in the past  
23 and said that he was hard thinking about it.

24 Q He told you that nothing happened between him and Alisha  
25 and her daughter?

1 A At some point he did, yes.

2 Q And you knew that?

3 A I don't think he had told me that when we had that email  
4 that I was just looking at.

5 Q Did you ever read the emails between Alisha -- I'm sorry.

6 Q Did you ever read the emails between Alisha, A-L-I-S-H-A,  
7 and Mr. Sheltra?

8 A No.

9 Q Anyone ever inform you of those -- about those?

10 A I'm aware that there was some communication he had with  
11 someone, but I don't know the details.

12 Q Let me ask you a hypothetical based on your training and  
13 experience, because it sounds like you've had quite a bit.  
14 Suppose Mr. A responds to a Craigslist ad that Mr. B puts on  
15 Craigslist, and Mr. -- Mr. B is looking for a date. Mr. A  
16 says, "Sure." And then Mr. -- Mr. B says, "We can have sex,  
17 but it has to be in the car. My young daughter will be in the  
18 back seat watching," and Mr. A says, "No. That's not  
19 acceptable to me. I would never do that." Does that -- does  
20 that tell you anything about Mr. A, what he's interested in?

21 A Yes.

22 Q What does it tell you?

23 A It says that he's not interested in having a sexual  
24 encounter in front of that person's daughter.

25 Q Okay. And if Mr. A says, "Rather than do that, let's go

1 to a hotel room. We can have two beds, and your daughter can  
2 be in one bed, and when she goes to sleep, we can have sex, but  
3 not while she's awake," what does that -- does that tell you  
4 anything based on your training and experience?

5 A I still think that's somewhat concerning, but it might not  
6 indicate that there is an interest in having --

7 Q Can you speak a little louder, please?

8 A It still may be somewhat concerning, but it doesn't  
9 necessarily show an interest in -- a sexual interest in a child  
10 watching them have sex.

11 Q Okay. And if Mr. A is posing as a woman and says that "my  
12 daughter has watched me having sex with men and" -- I'm sorry.

13 If Mr. B is posing as a woman and says to Mr. A, "My  
14 daughter has watched me having sex," and Mr. A acts totally  
15 surprised and it's not acceptable to him, what does -- does  
16 that tell you anything about Mr. A?

17 MR. GILMAN: Objection, your Honor. Relevance.

18 THE COURT: I'll allow it. They're hypotheticals.  
19 They have some relevance to these emails, and I'll allow the  
20 witness to answer it to the extent she can.

21 A Could you ask the question again? I'm sorry.

22 Q What does it tell you?

23 A What does what tell me? Can you ask the question again?

24 Q Pardon me?

25 A Can you ask the question again from the beginning, please?

1 Q I said Mr. B, but if Ms. B is acting as a mother of a  
2 young child and says that "my young child has watched me have  
3 sex" and Mr. A is, like, surprised by that and doesn't think  
4 that's appropriate, would that tell you anything about Mr. A?

5 A That could indicate that Mr. A is not sexually interested  
6 in -- or sexually aroused by being watched by a child while  
7 having sex.

8 Q Okay. So that's not someone that you would target based  
9 on those facts?

10 A Yeah. If someone said, "No. That's not acceptable. I  
11 would never do that," then I would not target them.

12 Q So let me -- let me show you -- this is the Government's  
13 Exhibit 2, page 1193. And that's how the conversation between  
14 you and Mr. Sheltra started; is that correct?

15 A Yes.

16 Q And fairly early on in the conversation - I think we've  
17 talked about this before - at 5:04 PM at the bottom, you  
18 indicate, "Well, I have a ten year old daughter, so that sounds  
19 pretty similar to Alisha ... I'm a white female," and then you  
20 go on to describe yourself, right?

21 A Yes.

22 Q Why did you say that you had a 10-year-old daughter?

23 A Because I was trying to relate to the initial post --

24 Q Can you speak into the microphone, please?

25 A I was trying to relate to the initial Craigslist posting

1 that was made referencing Alisha and her daughter.

2 Q So you were trying to get him interested in -- in your  
3 10-year-old daughter?

4 A I was trying to start a conversation to explore whether or  
5 not that's what he was interested in.

6 Q Okay. Let's look at 1194, Bates number 1194.

7 THE COURT: So for the record, let's also reference a  
8 date and time so we have a clear indication of what we're  
9 talking about.

10 Q So -- so at 5:42 on September 7th of 2017, do you see  
11 that?

12 A Yes.

13 Q At the last sentence, it says, "if there were no laws and  
14 no public judgment, what would be your wildest fantasy? That  
15 should be a good place for the two of us to begin. Then we  
16 can" move on from there.

17 So what did you understand he was asking you there?

18 A I understood it that he was asking me what I was  
19 interested in, and the piece where he was referencing there  
20 being no laws or no public judgment indicated to me he may be  
21 looking for information about something that may be illegal,  
22 such as having sex with children.

23 Q And you were -- but you were saying he was asking what you  
24 were interested in. He was asking what your fantasies were?

25 A Yes. That's what he said.

1 Q And then just above that, at 8 o'clock, he says, "I'd also  
2 be interested in your personal history, sexually. How old you  
3 were when you became sexually active? What were the  
4 circumstances, etc.?

5 "I'm looking forward to hearing back from you!"

6 How did you interpret that, that request?

7 A That he was looking for more information about me  
8 personally.

9 I just want to note that these messages are out of order,  
10 and the second one we read actually was exchanged before this.

11 Q And is that consistent with someone who thinks about  
12 people's fantasies?

13 A It could be, yes.

14 Q And is that consistent with someone who likes to sort of  
15 visualize people engaged in different kinds of sexual activity?

16 A It could be, yes.

17 Q And based on your training and experience, wouldn't you  
18 agree that's probably what that's about?

19 A I -- I don't know. I mean, I don't think you can take it  
20 alone when you have the context of all the emails.

21 Q Wouldn't you agree that at this point he seems more  
22 interested in you; he's not talking about your daughter?

23 A No. I think he also talks about the daughter throughout  
24 the emails.

25 Q Pardon me?

1 A He also spoke about my daughter throughout the emails.

2 Q Did you understand my question?

3 A Yes. You asked if he was more interested in me, not my  
4 daughter, and I said no, he also spoke about my daughter  
5 throughout the emails.

6 Q No. I asked you if at this point does it appear he's more  
7 interested in you than your daughter.

8 A We looked at some of the messages out of order, so if you  
9 want to tell me what point you're referring to.

10 Q I'm referring to the one that I just read to you about  
11 where he's asking you for your fantasies. Wouldn't you agree  
12 that he's more interested in you than your daughter?

13 A Can I take a minute to look at the emails?

14 Q Okay.

15 A I don't know that it's clear up to that point that he's  
16 more interested in me than my daughter, because he had asked  
17 questions also about her and what she'd seen.

18 Q Well, can you -- can you show anything before that point  
19 where he expresses an interest in having a sexual relationship  
20 with your daughter?

21 A He says, "Alisha has been very active with men, and other  
22 things for that matter, around her daughter for a while. So  
23 conversations had happened. Openly, candidly. Has anything  
24 like that taken place with you?"

25 Q So he's talking about Alisha and her daughter.

1 A Yes. And he's asking if anything --

2 Q But not your daughter?

3 A -- like what happened with Alisha and her daughter had  
4 happened with me and my daughter.

5 Q So he was, again, playing out his fantasies, asking you  
6 about what's happened with your daughter, but he didn't express  
7 an interest in doing anything with your daughter at that point,  
8 did he?

9 A He didn't say that directly, no.

10 Q He didn't say it indirectly, did he?

11 A I don't -- he didn't say what he was interested in, but he  
12 was asking questions about something, which leads me to believe  
13 he's interested in it.

14 Q And wouldn't that be consistent with his -- the way he  
15 enjoyed fantasy, his voyeurism? Wouldn't that be consistent  
16 with that?

17 A What do you mean, "voyeurism"?

18 Q Well, didn't he strike you as someone that just enjoys  
19 sexual -- I think you admitted that, enjoys sexual talk, maybe  
20 enjoys watching sex taking place, likes talking about it?

21 MR. GILMAN: Objection. Calls for speculation.

22 THE COURT: She can give us her perspective, although  
23 her perspective has marginal relevance.

24 A I said that -- I don't remember exactly what I said  
25 before, but I had said that it's possible that he was -- at

1 this point it's possible that he was someone who was interested  
2 in fantasy, but I don't think you can be certain at this point  
3 that we're talking about that that's what's going on.

4 Q Asking about your daughter and you and what your fantasies  
5 were, that would be consistent with that belief if it were  
6 true?

7 A Could you ask that question again? I don't understand.

8 Q When Mr. Sheltra asked what you had done with your  
9 daughter, what was going on, and asked for your fantasies and  
10 what your fantasies were, that would be consistent with someone  
11 who enjoyed talking about fantasies?

12 A It could be, or it could also indicate that that's  
13 something he was interested in doing or wanting to know so he  
14 could do.

15 Q Just because he says to you "what have you done?"

16 A It could, yeah.

17 Q Okay. But you didn't know at that point?

18 A No.

19 Q So then if you could look at 1198. That's Government's  
20 Exhibit 2. September 7th at 10:31 PM. There you start going  
21 into quite a bit of detail about your daughter and what you're  
22 thinking and what you think about what she should do or not do?

23 A Yes.

24 Q And all of that's a lie, obviously, right?

25 A I mean, yeah. The daughter's not real.

1 Q But you're telling him all that because you want to keep  
2 him interested in your daughter.

3 A I want to continue the conversation to see what he's  
4 interested in and where it goes.

5 Q Why did you want to continue the conversation?

6 A Because it appeared to me at that point I was still  
7 suspicious for him being interested in -- in sex with children.

8 Q So you kind of raised the bar a little bit by getting more  
9 explicit about your daughter? I mean, you had never said those  
10 things before, right?

11 A What do you mean by "more explicit"?

12 Q What does it mean to you?

13 A What does "explicit" mean?

14 Q Yes.

15 A Explicit to me would mean that there's graphic sexual  
16 details.

17 Q And isn't that what you're doing here?

18 A I guess I don't consider the wording in this email  
19 explicit.

20 Q Pardon me?

21 A I don't consider the wording or the language in this email  
22 explicit.

23 Q You don't think that you're being more explicit about your  
24 daughter's interest, your interest, you saying "I know what I  
25 want to do, but I'm not sure"? That's not being more explicit

1 about this whole thing than you had been before?

2 A I mean, it sounds like you're using a different definition  
3 of "explicit" than what you just asked me if "explicit" meant  
4 to me.

5 Q Why does it sound that way to you?

6 A Because I just said what "explicit" means to me is more  
7 graphic sexually, and I don't see graphic sexual details in  
8 this email.

9 Q But I didn't ask you that, did I?

10 A Didn't ask -- you asked me what "explicit" meant to me,  
11 and I answered it.

12 Q Let's start over, okay?

13 A Good plan.

14 Q All right. So when you look at that particular email, you  
15 say a lot of things in there about your daughter and what your  
16 thoughts are that you hadn't said before, right?

17 A Yes.

18 Q Okay. Why did you do that?

19 A To continue the conversation. And some of it may have  
20 been in response to questions that were asked, that he asked.

21 Q And wouldn't you agree that some of the things that you  
22 said in there that you hadn't said before are more explicit  
23 about -- about your daughter and her thoughts and your  
24 thoughts?

25 A What do you mean by "explicit"?

1 Q Clearer.

2 A Yes.

3 Q Okay. And you did that because you wanted to make sure  
4 that he stayed interested.

5 A It's because I wanted to continue the conversation to see  
6 what he was interested in and where it would go.

7 Q So let's look at Government's Exhibit 2, Bates number  
8 1197. And on September 7th at 11:29 PM, Randy says to you, "I  
9 don't know what your dating life is like - or hardly anything  
10 about you for that matter. Your age, and your stats."

11 Now, he's saying that to you after you just told him all  
12 these things about your daughter and your thoughts that we just  
13 spoke about that were clearer. Right?

14 A Yes.

15 Q So he's not asking about your daughter; he's asking about  
16 you.

17 A In that sentence you just read, yes.

18 Q Okay. And wouldn't you agree that when you previously  
19 told him all those things about your daughter, it was a perfect  
20 opportunity for him to come back and say, yeah, let's -- let's  
21 expand on that?

22 A He could have asked that, yes.

23 Q What? Pardon me?

24 A Yeah, he could have asked more questions.

25 Q But he didn't?

1 A Could have said anything he wanted to.

2 Q Instead what he says is, "I want to know more about you."

3 Right?

4 A That's what he says, yes.

5 Q And he says he wants a pic of you, he wants to know what  
6 you're thinking about, and then he tells you that nothing ever  
7 happened between him and Alisha. Right?

8 A Yes.

9 Q Let me just refer you to the bottom of the page. See  
10 where I've highlighted? This is at -- on September 8th at 4:07  
11 AM. And in that, isn't he talking about masturbating at night  
12 thinking about you?

13 A Yes.

14 Q And thinking about all the fantasies that you have?

15 A It says about the things that we've discussed. It doesn't  
16 reference anything --

17 Q Can you say that into the microphone?

18 A I'm sorry. It -- it references that he was thinking about  
19 the things that we had discussed.

20 Q Well, what he says is that "I work a 12-hour schedule  
21 Wednesday night thru Friday night, and every other Saturday  
22 night. This gives me time off from Saturday or Sunday thru  
23 Tuesday. So I'll be sleeping tomorrow (hopefully, lol), but  
24 I'll be checking my emails whenever I wake up, waiting for your  
25 reply! I'm likely going to masturbate thinking about you

1 because I've been hard multiple times as I've read your emails,  
2 and replied to them. I'm wondering if you masturbated when you  
3 went to bed. I like the thought of you cumming as you think  
4 about the things we've discussed."

5 So again, he's sort of exercising his fantasies, would you  
6 say?

7 A I don't know. Maybe.

8 Q Maybe?

9 A Could be, yes.

10 Q It's possible?

11 A Yes.

12 Q So let me show you Government's Exhibit 2, Bates number  
13 1198. So this is a carry-over from the one that I just showed  
14 you where he says, "I'm really curious" -- this is at the top  
15 of the page. "I'm really curious to know more about you.  
16 Hopefully you will get me lots of details ... What has she seen  
17 you doing? Was it from a distance or was she right close? I'm  
18 curious about your relationship with her. You said she can be  
19 difficult, but do you get along fairly well?"

20 Further on he says, "I hope you'll be comfortable opening  
21 up to me. I want you to share the details of your fantasies  
22 with me, and your desires. All your desires, including these  
23 taboo ones ... I'm a very visual person; if you explain to me  
24 what you are thinking - what you are wanting, I can" -- I think  
25 it says "I can -- I can't [sic] visualize it. Then we could

1 work together to make it a reality."

2 And then at the bottom of that, "I hope you wake up wet  
3 from the taboo thoughts racing through your mind as you try to  
4 sleep. Think of how we can put your wetness to good use," and  
5 goes on.

6 Again, isn't he really over and over again talking about  
7 fantasies and he wants to know all about your fantasies,  
8 whether they're illegal or not?

9 A He's talking about what I'm thinking about.

10 Q Doesn't that seem to be Mr. Sheltra's primary interest?

11 A I don't know.

12 Q Okay. So based on your training and experience, you just  
13 can't figure that out in this one?

14 A I don't think it's clear whether this is fantasy or  
15 something he'd like to act on.

16 Q So then you respond at 2:25 on September 8th talking  
17 about -- again, going into more detail about your daughter.

18 A Yes.

19 Q I assume the purpose of that is to keep him -- from your  
20 perspective, keep him interested?

21 A It was to continue the conversation, and he had just asked  
22 me questions about my daughter. I was answering them.

23 Q So let me show you Bates number 1199 in Government's  
24 Exhibit 2. And at 3:27 PM where he says "Hi Hun. Thank you!  
25 Really appreciate your quick reply. I do understand. I can

1 also understand the confliction you must be dealing with. I'd  
2 really love a pic of you ... I'm finding myself an increasing  
3 attraction to you." He doesn't say "to your daughter," right?  
4 He says "to you"?

5 A Not in that line right there. He does say "to you."

6 Q You see that?

7 A Yes.

8 Q You agree with that?

9 A I agree that what you read is what it says, yes.

10 Q And then in the next to the last sentence, "That said, I  
11 can visualize many, many things .... In addition to you and I  
12 having a healthy physical relationship with her present."

13 So he's certainly indicating that he wants to have a  
14 healthy physical relationship with you.

15 A That's part of what he indicated there, yes.

16 Q And doesn't he say on several occasions that that's the  
17 first thing that needs to happen is that he can have a  
18 healthy -- that he can have sex with you before anything else  
19 happens?

20 A He did say that on several occasions.

21 Q And how do you know that wouldn't have been the end of it?

22 A He talked about other things that he wanted to do.

23 Q But -- but you indicated earlier you don't know if those  
24 other things he spoke about were fantasies or not.

25 A I mean, when we were looking at the emails, no. Just

1 looking at the emails alone, don't know whether --

2 Q From the emails alone, you can't tell?

3 A You can't tell from him talking about having sex with

4 Megan if that's just fantasy, of him -- it's hard to tell to

5 the point where he talks about.

6 Q I'm sorry. Can you say it into the microphone?

7 A I'm sorry. I said it is hard to be certain until we get

8 to the point where he's talking about specific facts that he

9 wants to do and about meeting.

10 Q Okay. So let me show you what's been marked -- what's  
11 Bates number 1200 in Government's Exhibit 2. He says at 5:16  
12 PM, "I'm excited on many fronts. Personally, you're very  
13 attractive, and I look forward to getting to know you." Do you  
14 see that?

15 A Yes, I do.

16 Q Okay. So let me -- let me ask you something about how you  
17 do your job. So you're working undercover, right?

18 A Yes.

19 Q And you have a rule, I guess, that you're not supposed to  
20 take the lead?

21 A It's not a rule, but part of the training is that you let  
22 the other person control the tone of the conversations, that  
23 you don't be the first one to bring up certain things, like  
24 specific sexual acts or meeting in person.

25 Q But isn't there more than one way to do that? I mean, you

1 might be responding to a question, like you said, but you might  
2 put a lot more in your answer than the question called for?

3 A I mean, I'm not sure what you mean by that.

4 Q Well, if someone says to you what color is your car and  
5 then you described the whole car for five minutes, you'd be  
6 giving them more information than they asked for, right?

7 A Yes.

8 Q And in this particular circumstance, when Mr. Sheltra  
9 asked you a question, didn't you give him a lot more  
10 information in your response about your daughter and what you  
11 were thinking and what you wanted to do than the question  
12 called for?

13 A I don't think so.

14 Q But could you see where someone could interpret it that  
15 way?

16 A I don't think so.

17 Q Okay. Do you see on Bates number 1202 in Government's  
18 Exhibit 2 where it says, I've highlighted it, and "we need to  
19 grow our relationship Meg"?

20 A Yes, I do see where you've highlighted that.

21 Q So again he's saying to you that you and he need to  
22 establish a better relationship?

23 A That's what he said in that particular line, yes.

24 Q And he -- by that he means a sexual relationship?

25 A I don't know. If you put it back up, I'd be happy to --

1 Q Pardon me?

2 A I said I'm not sure. If you put it back up, I'd be happy  
3 to read the rest of what's around it.

4 MR. KAPLAN: May I have a minute, Judge?

5 THE COURT: Yes.

6 MR. KAPLAN: I have nothing further, Judge.

7 THE COURT: Any redirect?

8 MR. GILMAN: Yes, your Honor. One moment, if I may.

9 REDIRECT EXAMINATION

10 BY MR. GILMAN:

11 Q Ms. Lawton, I'd like to look at some of the communications  
12 that Mr. Kaplan just asked you to look at.

13 A Okay.

14 MR. GILMAN: I'm going to remove my mask, see if it's  
15 a bit easier, if that's all right. Thank you.

16 Could we pull up Government Exhibit 2, document number  
17 1198 -- or Bates 1198. And could we go to just the page before  
18 this? I apologize. Thank you, Ms. LaBombard. Thank you.

19 Q So I'm referring you to the bottom email there sent on  
20 Friday, September 8th, 2017, at 4:07 AM. Do you remember Mr.  
21 Kaplan asking you about this email?

22 A Can you give me a minute just to look at it?

23 Q Sure. This is the first part, and Mr. Kaplan, I believe,  
24 asked you about the second part. So when you're done reading  
25 this first part, we'll go to the second part.

1 A Okay.

2 MR. GILMAN: Could we go to the next page, Ms.  
3 LaBombard, at the top.

4 Q Now, Mr. Kaplan asked you about the line, I believe, "if  
5 you explain to me what you are thinking - what you're wanting."  
6 Does that sound like something he asked about?

7 A Yes.

8 Q I'd like us to see the context there. Can you read that  
9 portion of the email, that top half? I'm sorry.

10 A I'm sorry. Which portion? I'm sorry.

11 Q I'd like to read this whole portion to the jury so we can  
12 get the context. Thank you.

13 A "I'm really curious to know more about you. Hopefully you  
14 will give me lots of details ... What has she seen you doing?  
15 Was it from a distance or was she right there close? I'm  
16 curious about your relationship with her. You said she can be  
17 difficult, but do you get along fairly well? Are you  
18 comfortable being honest with her about intimate things? Are  
19 you ever nude around her? I'm hard again, thinking about you.  
20 And the situation. I hope you will be comfortable opening up  
21 to me. I want you to share the details of your fantasies with  
22 me, and your desires. All your desires, including these taboo  
23 ones.

24 "Mmmmmmm. I'm a very visual person; if you explain to me  
25 what you are thinking - what you are wanting, I can visualize

1 it. Then we can work together to make it a reality. The 2-3  
2 of us. Together. Mmmmmmm. Sounds delicious.

3 "I do live in Vermont. A little north of Burlington.  
4 Where are you approximately located?

5 "Know I've thought of little else but you since I got your  
6 reply ... it is so hot that we share this unique connection. I  
7 can only imagine the pleasures we can share. Mmmmm. I hope  
8 you wake up wet from the taboo thoughts racing through your  
9 mind as you try to sleep. Think of how we can put your wetness  
10 to good use, as you spread your legs, welcoming me in, as I  
11 eagerly slide inside of you ... Mmmmm. XOXO.

12 "Waiting for your reply!!

13 "Excitedly,

14 "Randy."

15 Q Thank you. I'd like to refer back to the line where Mr.  
16 Sheltra says "I'm hard again." He references two things after  
17 that; is that right?

18 A Yes.

19 Q What two things does he reference?

20 A He says "thinking about you. And the situation."

21 Q What is your understanding of what "the situation" was?

22 A The conversation we were having about Maddie and what she  
23 had seen or experienced sexually.

24 Q And who is Maddie again in this context?

25 A My 10-year-old daughter.

1 Q Now, he refers to "all of your desires" and "these taboo  
2 ones"; is that correct?

3 A Yes.

4 Q What did you understand him to mean when he referred to  
5 the "taboo ones"?

6 A The information that we'd been sharing back and forth  
7 about interest -- sexual interest in having Maddie be part of a  
8 sexual encounter or about what had happened with Alisha.

9 Q Now, Mr. Sheltra does ask you what you are thinking, what  
10 you're wanting; is that correct?

11 A Yes.

12 Q And in the next line he refers to "the 2 to 3 of us.  
13 Together." Is that correct?

14 A Yes.

15 Q What does he say after that?

16 A He says, "Mmmmmmmmm. Sounds delicious."

17 Q When Mr. Sheltra referred to "The 2 to 3 of us.  
18 Together," what did you understand him to refer to?

19 A I understood him to mean, you know, myself and him and/or  
20 myself, Maddie, and him.

21 Q So we go to document number 1199. I'm going to direct  
22 your attention to the middle email there sent Friday, September  
23 8th, 2017, at 3:27 PM. Can you read this whole -- excuse me.  
24 Do you recall Mr. Kaplan asking you about this email?

25 A Yes.

1 Q Okay. Could you please read this email out loud to the  
2 jury.

3 A Yes.

4 "Hi Hun. Thank you! I really appreciate your quick  
5 reply. I do understand. I can also understand the confliction  
6 you must be dealing with. I'd really love a pic of you ... I'm  
7 finding myself feeling an incredible attraction to you - this  
8 is so f'ing intense ...

9 "I want this to go exactly how you, and after considerable  
10 interaction, your daughter want it to go, hun. I will never  
11 take the lead with her - where that goes needs to be decided  
12 upon, and initiated by her and you. I'm a willing - very  
13 willing - participant but absolutely not the aggressor with  
14 her. That said, I am not that submissive between you and I. I  
15 jerked off when I got home this morning, blowing a load all  
16 over my belly as I thought about you ...

17 "It's not a question of where I want this to end up going,  
18 but where you two do. That's why your (you and her)  
19 relationship is so important. That said, I can visualize many,  
20 many things ... Mmmmmmm. In addition to you and I having a  
21 healthy physical relationship with her present if/when desired  
22 by you and her - to her, at your direction learning and  
23 exploring my body, to me bringing her to orgasm orally, and  
24 more ... those are but possibilities. It is directed by the 2  
25 of you! I'm so f'ing hard right now ...

1       "Now, please, please tell me what you're thinking. And  
2 please attach a pic!!

3       "XOXO,

4       "Randy."

5 Q       Thank you. When Mr. Sheltra said "I will never take the  
6 lead with her - where that goes needs to be decided upon, and  
7 initiated by her and you," when Mr. Sheltra wrote "her," who  
8 was he referring to there?

9 A       Maddie.

10 Q       Now, a few lines down where Mr. Sheltra writes "It's not a  
11 question of where I want this to end up going, but where you  
12 two do. That's why your (you and her) relationship is so  
13 important," who is Mr. Sheltra referring to there in the "you  
14 two" and the "you and her"?

15 A       Maddie, my 10-year-old daughter.

16 Q       Does Mr. Sheltra next describe your purported 10-year-old  
17 daughter being present during sex acts?

18 A       Yes.

19 Q       And does he describe here at the bottom who is directing  
20 the activity, the sexual activity specifically?

21 A       Yes, he does.

22 Q       And who is he saying will be directing it?

23 A       He says "by the 2 of you!"

24 Q       What is your understanding of what that refers to?

25 A       Myself and Maddie, my 10-year-old daughter.

1 Q Now, there is some discussion of fantasies in this entire  
2 email exchange --

3 A Yes.

4 Q -- is that correct?

5 Did you ever mention something beyond what Mr. Sheltra had  
6 mentioned as a fantasy in -- you know, a fantasy of a different  
7 nature beyond?

8 A No.

9 MR. KAPLAN: Judge, I think the question should be  
10 finished before the witness answers.

11 THE COURT: Pardon me?

12 MR. KAPLAN: I think the question should be finished  
13 before the witness answers it.

14 MR. GILMAN: I thought I had finished the question.

15 THE COURT: I'm looking at a completed question, but  
16 we'll make sure of that, because there has been partial  
17 answers. Our court reporter's good at picking those up.

18 Q Now, in this email exchange, Mr. Sheltra told you he had  
19 had a vasectomy --

20 A Yes.

21 Q -- do you recall that?

22 Sorry. Do you recall that?

23 A Yes, I do.

24 Q What is the significance, if any, of Mr. Sheltra  
25 mentioning that he has a vasectomy?

1 A It means that he could no longer impregnate anyone.

2 Q And thus when it comes to birth control, what is the  
3 result?

4 A That birth control's not necessary because he's had a  
5 vasectomy.

6 Q Mr. Kaplan asked you on his cross-examination if you were  
7 concerned about manufacturing a crime. My recollection is you  
8 told him no. Can you explain that to the jury?

9 A I said no, that I wasn't concerned about manufacturing a  
10 crime in this situation. Based on the emails that I exchanged  
11 with Mr. Sheltra and the acts that he described and his asking  
12 to meet, I was not concerned that I manufactured a crime.

13 MR. GILMAN: One moment, your Honor?

14 THE COURT: Yes.

15 MR. GILMAN: Nothing further at this time, your Honor.  
16 Thank you.

17 THE COURT: Any recross, Mr. Kaplan?

18 MR. KAPLAN: No, your Honor. Thank you.

19 THE COURT: Thank you. You may step down.

20 THE WITNESS: Thank you.

21 (The witness was excused.)

22 THE COURT: The Government may call its next witness.

23 MS. MASTERSON: Thank you, your Honor. The Government  
24 calls Special Agent Mark Curtis.

25 COURTROOM DEPUTY: Please raise your right hand.

1 Please state your full name for the record.

2 THE WITNESS: Mark Curtis.

3 MARK CURTIS,

4 having been first duly sworn by the courtroom deputy,

5 was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MS. MASTERSON:

8 Q Good afternoon.

9 A Good afternoon.

10 Q Where do you work?

11 A I work for Homeland Security Investigations.

12 Q What position do you hold?

13 A I'm currently a special agent and a program manager at  
14 Homeland Security Investigations.

15 Q Where is your office?

16 A In Williston, Vermont.

17 Q How long have you held this position?

18 A Since January of 2020.

19 Q Briefly, will you describe what your duties are as a  
20 program manager.

21 A So I work on different programs for Homeland Security  
22 involving the intake of potential document and benefit fraud  
23 cases that could be worked throughout the country, and I help  
24 develop those cases and then distribute the cases to field  
25 offices across the country.

1 Q When did you become a special agent?

2 A In 2003.

3 Q Where were you stationed?

4 A At first in Derby Line, Vermont.

5 Q How long were you in Derby Line?

6 A For approximately four years.

7 Q Where did you go next?

8 A In 2007 I transferred to the Burlington office.

9 Q How long were you in Burlington?

10 A From 2007 until the end of 2019.

11 Q Were you ever a supervisor in the Burlington office?

12 A From October of 2018 until December of 2019, I was the  
13 acting supervisor at the HSI Burlington office.

14 Q When did you stop being the acting supervisor -- or what  
15 led you to stop being the acting supervisor?

16 A I received a -- an offer for the program manager position  
17 I described, and the supervisor position there was offered to  
18 another individual, the current supervisor at that office.

19 Q Do you have law enforcement experience prior to becoming a  
20 special agent with Homeland Security Investigations?

21 A Yeah. Prior to becoming a special agent, I was a customs  
22 inspector up at the -- at the international border in Highgate.

23 Q During what period were you a customs inspector?

24 A Actually, I -- can I rephrase that? I actually was  
25 stationed in Derby Line. I referenced the international border

1 was in Highgate, but actually I was stationed in Derby Line.

2 I'm sorry. Can you repeat the --

3 Q During what period were you a customs inspector?

4 A From approximately November 2002 till June of 2003.

5 Q Would you please tell the jury about the training that you  
6 received to become a special agent.

7 A The training was done down in Glynco, Georgia, at our  
8 academy down there. It's approximately a 22-week course  
9 focusing on a number of different things: law; report writing;  
10 surveillance; evidence handling; you know, the different areas  
11 that we work on including customs/immigration violations,  
12 including human trafficking, human smuggling; drug smuggling;  
13 child exploitation.

14 Q Specifically are you taught about the applicable statutes  
15 that are relevant to the work as a special agent?

16 A I am.

17 Q Are you also taught on criminal procedure?

18 A That's correct.

19 Q Also investigative techniques?

20 A Yes.

21 Q When an individual graduates from the training program,  
22 what position do you hold?

23 A You hold the position of a criminal investigator, a  
24 special agent.

25 Q Are all criminal investigators, federal criminal

1 investigators, called special agents?

2 A I believe so. I think they're all -- yeah. Criminal  
3 investigators, yeah. In that job series classification, 1811,  
4 what we call it internally.

5 Q So it's just your title, like "officer," "detective,"  
6 "special agent"?

7 A Correct.

8 Q Will you briefly outline for the jury the duties of a  
9 special agent.

10 A So basically we -- we conduct investigations of a number  
11 of different violations pertaining to federal law.

12 Q Can you move the mic a little closer, please?

13 A Sure. I'm sorry about that.

14 So we conduct investigations of a number of different  
15 areas of federal law focusing primarily on customs and  
16 immigration violations. You know, we gather evidence; we write  
17 up the evidence that we obtain in either reports; we present  
18 the cases to the U.S. Attorney's Office for prosecution; we  
19 assist the prosecutors with cases and seeing those cases  
20 through prosecution.

21 Q What is a case agent?

22 A So a case agent basically is the person primarily  
23 responsible for the case, especially when it comes to report  
24 writing and administrative responsibility for the case.

25 Q Do special agents work alone, or are they more part of a

1 team?

2 A Part of a team.

3 Q In approximately how many cases have you served as a case  
4 agent?

5 A A significant number. I would say over a hundred.

6 Q What types of cases have you participated -- or  
7 investigated?

8 A Drug smuggling; human smuggling; child exploitation;  
9 financial cases.

10 Q When you are acting in a support capacity for another  
11 agent in -- who is the case agent, what are the duties  
12 generally of that supporting agent?

13 A We're assisting the primary case agent with a case. You  
14 know, in a sense we're provided direction from the case agent  
15 on the nature of the case, and we then assist as called on.

16 Q Does that include assistance in execution of search  
17 warrants?

18 A Correct.

19 Q Arrests?

20 A Yes.

21 Q Speaking of arrests, when an agent -- when there is an  
22 operation and an individual is expected to be arrested, does a  
23 special agent just generally go out by themselves, or is it  
24 more of a team effort?

25 A It's definitely a team effort.

1 Q Why?

2 A For a lot of reasons. For evidentiary reasons; for safety  
3 reasons; for, you know, the overall success of the case.

4 Q Safety of the officers and also the person being arrested;  
5 is that fair?

6 A Correct.

7 Q When you are arresting someone, taking an individual into  
8 custody, what, if anything, do you do incident to arrest?

9 A We search them.

10 Q Why?

11 A Initially for weapons to -- you know, just to ensure that  
12 the person doesn't have any weapons on them that are going to  
13 hurt us, but also, you know, for -- secondarily for evidence.

14 Q When -- when evidence is seized from someone who has been  
15 taken into custody, who is the responsible person to maintain  
16 that evidence and ensure that it is collected and then later  
17 cataloged?

18 A The person who finds the evidence and seizes it.

19 Q Is that person called the seizing officer?

20 A Correct. Or seizing agent.

21 Q Seizing agent. Thank you. All right.

22 Agent Curtis, I'd like to direct your attention to  
23 September 10th of 2017. Were you working on that day?

24 A I was.

25 Q Do you recall what day of the week it was?

1 A Sunday.

2 Q Were you part of an arrest team at the Whales' Tails in  
3 South Burlington, Vermont, on that day?

4 A Yes, I was.

5 Q What was your understanding of what was going to happen?

6 A So we were advised that there would be a man showing up  
7 that day that was going to meet a parent who was going to let  
8 that man have sex with their 10-year-old child.

9 Q What was your responsibility that day?

10 A So I was out there on surveillance in a -- it was an  
11 unmarked vehicle, had plainclothes on at the time. I didn't  
12 have a uniform on. And we were waiting; we were watching to  
13 see if, you know, the man would arrive.

14 Q Were you told what vehicle the individual would be  
15 arriving in?

16 A Yeah. We were given the vehicle description as a gold  
17 Nissan Pathfinder.

18 Q What, if anything, were you told about the identity of the  
19 person who would be showing up?

20 A I don't recall anything other than just it was a male  
21 showing up in the gold Nissan Pathfinder.

22 Q Were you, if at all, provided a picture of this person who  
23 might be showing up?

24 A Not that I recall.

25 Q What was your assignment?

1 A So, again, I was part of the surveillance team and, if  
2 necessary, to be -- you know, to arrest the individual when  
3 they did arrive.

4 Q Do you recall approximately the time of day when you began  
5 conducting surveillance at the Whales' Tails Park?

6 A Approximately early afternoon, 1 o'clock or so.

7 Q And can you identify -- or just give the jury an idea of  
8 where it was you were located.

9 A So if anybody -- so the Whales' Tails parking area is a  
10 small area where you would park, say -- it would hold two or  
11 three cars. They would get out there and enter on to the  
12 Whales' Tail path that would later walk around the Whales'  
13 Tails, but there's a large parking lot back away from that  
14 initial parking area that holds a number of cars, and there are  
15 businesses in there, like Planet Fitness and other businesses.

16 So I was parked in the parking lot, kind of in the middle  
17 of the lot watching the Whales' Tail parking area and parking  
18 spots near it.

19 Q You mentioned earlier that you were in an unmarked SUV?

20 A Correct. A Chevy TrailBlazer, I believe.

21 Q Approximately how far away were you from the meet  
22 location?

23 A Oh, a hundred and -- a little over a hundred yards from  
24 the actual Whales' Tail parking lot, which by that I mean the  
25 actual two- or three-car parking spot.

1 Q Approximately how long did you wait to see if the  
2 individual would show?

3 A It was an hour or two.

4 Q At some point did a gold Nissan Pathfinder show up at that  
5 location?

6 A Yes, it did.

7 Q Please tell the jury what happened when that vehicle  
8 showed up.

9 A So the vehicle showed up and parked. It wasn't exactly at  
10 the Whales' Tail parking space. It was not too far from it.  
11 And the vehicle parked facing the Whales' Tail parking space  
12 area. A man got out of the vehicle, walked around the back  
13 side of the vehicle, and was looking around, taking actions  
14 consistent with somebody that was looking for somebody in that  
15 area. Then the man proceeded to walk back around the other  
16 side of the vehicle back towards, like, the driver's area.

17 Q Did you just finish -- can -- I'm sorry. Can you repeat  
18 how you finished that?

19 A Yeah. If you'd like, I can continue what I did next, if  
20 that's --

21 Q Please do.

22 A Okay. So once the man went back towards the driver's side  
23 of the vehicle, I called out on the radio that it looked like  
24 he was going to take off, so I quickly threw on a -- I had a  
25 jacket in the vehicle - I put it over my plainclothes shirt -

1 that said "Police" and "HSI," quickly threw that on and  
2 proceeded to drive up towards where the man in the Pathfinder  
3 parked, and I parked near him and hopped out of my vehicle,  
4 stated to him, "Police," and then I proceeded to give him  
5 verbal commands to show me his hands, and then I approached him  
6 and made contact with him.

7 Q Did you have a weapon drawn?

8 A I did.

9 Q Is that standard operating procedure?

10 A It is.

11 Q What, if anything, did you tell that individual as you  
12 approached him?

13 A I stated to him, "Police. Show me your hands." I  
14 approached him and made contact with his hands. He was  
15 compliant. I, you know, took out my handcuffs and proceeded to  
16 handcuff him and then pat him down, searching him.

17 Q What, if anything, did you find when you patted him down?

18 A I found a phone; I found a wallet; he was wearing a hat;  
19 sunglasses; keys -- keys were later on in the car, I believe,  
20 but --

21 Q Can you say that last bit again?

22 A I'm sorry. I was going to say keys, but I think the keys  
23 actually came out of the car. But on his person there was a  
24 phone. He had a hat on. He had sunglasses on. He had a  
25 wallet, I believe.

1 Q Did you seize the phone?

2 A I did.

3 Q Are you considered the seizing officer of that phone?

4 A I am.

5 Q All right. If we could -- there's a binder in front of  
6 you, Agent Curtis. Would you please look at Government's  
7 Exhibit 8.

8 A Looking at it.

9 Q What is that? Just -- what is it?

10 A Can you repeat the question?

11 Q What is Government's Exhibit 8?

12 A It's a picture of a gold Nissan Pathfinder.

13 Q Is that a photo of the vehicle that showed up?

14 A Yes.

15 Q Is that photo a fair and accurate depiction of the vehicle  
16 that showed up at the Whales' Tails Park on September 10th,  
17 2017?

18 A Yeah. I was primarily looking at it from the side as  
19 opposed to the front, but, yeah, that's an accurate  
20 description.

21 MS. MASTERSON: Your Honor, the Government offers  
22 Exhibit 8.

23 MR. KAPLAN: No objection.

24 THE COURT: Any objection?

25 MR. KAPLAN: No, your Honor.

1 THE COURT: It's admitted.

2 (Government's Exhibit 8 was received in evidence.)

3 MS. MASTERSON: May it be published?

4 THE COURT: You may.

5 MS. MASTERSON: Thank you, Ms. LaBombard.

6 Your Honor, if I may, Government's Exhibit 7 and 7A  
7 are CDs. I believe that they are with your deputy clerk. No?

8 COURTROOM DEPUTY: Um-um. Are they -- actually, they  
9 might be. Are they in there?

10 MS. LABOMBARD: They are in there.

11 COURTROOM DEPUTY: I'm sorry. Yes, they are, Ms.  
12 Masterson.

13 MS. MASTERSON: Can we get those to the witness,  
14 please. Thank you very much.

15 Q BY MS. MASTERSON: Agent Curtis, would you please look at  
16 Government's Exhibit 7 for identification. Do you recognize  
17 that exhibit?

18 A I do.

19 Q What is it?

20 A It's a DVD that -- showing a video of the -- of the  
21 arrest.

22 Q All right. And have you -- how do you know that that CD  
23 contains the video of the -- or a video of the arrest?

24 A I previously viewed it.

25 Q Did you -- what, if anything, did you do to the actual

1 disc itself to indicate that -- to let you know that that is  
2 what it is?

3 A I initialed it and dated it.

4 Q Is what is contained in Exhibit 7 a fair and accurate  
5 depiction of what happened on -- at the takedown of the arrest?

6 A It is.

7 Q Thank you. If you could please look at Government's  
8 Exhibit 7A. Do you recognize that?

9 A I do.

10 Q What is it?

11 A It's --

12 Q Speak into the microphone, please.

13 A Sorry. Another CD containing the video of the -- of the  
14 arrest.

15 Q Is it the same video, or is it a shortened version of the  
16 video?

17 A A shortened, condensed version of the video.

18 Q What, if anything, have you done to the CD to let you know  
19 that that CD contains the video that you've just described?

20 A I initialed it and dated it as well.

21 Q Does that video contain a fair and accurate depiction of  
22 what transpired at the Whales' Tails at the time of the arrest?

23 A It does.

24 MS. MASTERSON: Your Honor, the Government offers  
25 Exhibit 7A.

1 THE COURT: Any objection?

2 MR. KAPLAN: No, your Honor.

3 THE COURT: It's admitted.

4 (Government's Exhibit 7A was received in evidence.)

5 Q BY MS. MASTERSOHN: Before we publish that video, Agent  
6 Curtis, who are you -- how are we going to know who you are in  
7 that video?

8 A So you'll primarily see my back, and I'm wearing the navy  
9 blue jacket that says "Police" and "HSI," and I'm the one  
10 actually patting down the defendant.

11 MS. MASTERSOHN: Could we please publish Exhibit 7A.

12 (A recording was played in open court.)

13 MS. MASTERSOHN: That's not it.

14 THE COURT: That sounded like My Cousin Vinny.

15 MS. MASTERSOHN: I believe it was. Here we go.

16 (The video was played in open court.)

17 Q BY MS. MASTERSOHN: Agent Curtis, who's the individual in  
18 the hat?

19 A The individual in the hat is the defendant.

20 Q Speak into the mic.

21 A The individual in the hat is the defendant.

22 (The video was played in open court.)

23 Q BY MS. MASTERSOHN: Agent Curtis, at what point in there --  
24 or what question, if any, was asked by the individual who was  
25 being arrested about his car?

1 A There was -- he didn't really ask me anything other than  
2 what's going to happen to the car, a question along the lines  
3 of that nature.

4 Q Would you recognize the person you arrested if you saw him  
5 again?

6 A Yes, I would.

7 MR. KAPLAN: Judge, we'll stipulate that it's Mr.  
8 Sheltra sitting to my left.

9 THE COURT: All right. The record will reflect that  
10 Mr. Sheltra is wearing a blue shirt next to Mr. Kaplan.

11 Q Where did you -- did -- when you drove away -- the video  
12 shows you driving away. Who all was in the car with you?

13 A Myself and then Agent Andy Bookout and the defendant, Mr.  
14 Sheltra.

15 Q Where did you and the other agent take Mr. Sheltra?

16 A Directly to the HSI office about a mile or two away. It's  
17 on Kimball Avenue in South Burlington.

18 Q The video shows that -- or there was a bag that contained  
19 items seized from Mr. Sheltra. Is that correct?

20 A That's correct.

21 Q What happened to that bag?

22 A It stayed with us till we got to the HSI office, and then  
23 when we got there, we proceeded to bring Mr. Sheltra and the  
24 bag upstairs to the HSI office.

25 Q What happened to -- where did -- excuse me.

1 Where did Mr. Sheltra go once he was taken to the office?

2 A He went to an interview room at the HSI office.

3 Q What happened to the bag?

4 A It went to Josh -- Officer Josh Otey.

5 Q What role -- or why did it go to Josh Otey?

6 A Josh was set up as the evidence custodian that day.

7 Q And who is Josh Otey?

8 A At the time he was a Bristol PD officer working for the --  
9 he was assigned to the Internet Crimes Against Children Task  
10 Force.

11 Q And he was the evidence custodian; is that right?

12 A That's correct.

13 Q What is the role of the evidence custodian?

14 A The person designated to receive and manage/control the  
15 evidence that's seized during an arrest.

16 MS. MASTERSON: May I have a moment with counsel,  
17 please?

18 THE COURT: You may.

19 MS. MASTERSON: Thank you, your Honor. I have no  
20 further questions.

21 THE COURT: All right. At this point we're going to  
22 take our midafternoon break. It will be approximately 15  
23 minutes.

24 Ladies and gentlemen of the jury, don't talk about the  
25 case. Don't let anybody talk to you about the case.

1       We'll excuse the members of the jury, and we'll have the  
2 attorneys remain in the courtroom.

3                     (The jury exited the courtroom, after which the following  
4 was held in open court at 2:32 PM.)

5                     THE COURT: Anything to bring to my attention before  
6 we also take a break?

7                     MS. MASTERSOHN: Not from the Government. Thank you.

8                     MR. KAPLAN: No, your Honor.

9                     THE COURT: I -- Ms. Ruddy's going to confer with you  
10 about this. I'm looking at the Government's exhibit list, and  
11 Government Exhibit 041 indicates "2 images of child  
12 pornography." It should be "2 images," no indication that it's  
13 child pornography at that point in time. So we'll just have a  
14 modified exhibit list.

15                    MS. MASTERSOHN: Very well.

16                    THE COURT: All right. We'll come back in 15 minutes  
17 as well.

18                    (A recess was taken, after which the following was held in  
19 open court without the jury present at 2:48 PM.)

20                    THE COURT: Anything to bring to my attention before  
21 we bring back the jury?

22                    MS. MASTERSOHN: No, your Honor.

23                    THE COURT: Let's do that. Thanks, Dan.

24                    (The following was held in open court with the jury  
25 present at 2:49 PM.)

1 THE COURT: We are back on the record in United States  
2 of America vs. Randy Sheltra.

3 We have Agent Curtis on the witness stand. He is still  
4 under oath, and we are ready to commence the defendant's  
5 cross-examination.

6 Mr. Kaplan, you may proceed.

7 MR. KAPLAN: Thank you, Judge.

## CROSS-EXAMINATION

9 BY MR. KAPLAN:

10 Q Mr. Curtis, I'm interested. You took the phone from Mr.  
11 Sheltra?

12 A That's correct.

13 Q And did you put it in a plastic bag?

14 A No. I handed it to another officer, who then -- it was  
15 then held temporarily. That other officer then transferred it  
16 to -- you can see in the video Agent McCullagh had the plastic  
17 bag.

18 | Q So what was the name of the officer that you handed it to?

19 A Jeff Riddell.

20 Q And what did he -- did you see what he did with it?

21 A I can see in the video that, you know, the items that were  
22 collected were dumped into the plastic bag, the evidence bag.

23 Q So who came over with the plastic bag?

24 A Agent McCullagh.

25 Q Okay. And so did you see the phone go into that bag?

1 A No, not directly. My focus was on Mr. Sheltra at the  
2 time.

3 Q Okay. So who would know if the phone went into the bag?

4 A Agent McCullagh would know.

5 Q And who -- and who would know who put it in the bag?

6 A Again, Officer Riddell -- I'm sorry, Agent Riddell, Agent  
7 McCullagh.

8 Q Okay. So when you rode back to the HSI headquarters, was  
9 the bag in the car?

10 A Yes.

11 Q Where was it?

12 A It was in the front seat with Agent Bookout.

13 Q Okay. And then was the bag sealed, by any chance?

14 A No, not at that point.

15 Q Was the phone turned on at all; do you know?

16 A I don't know.

17 Q Is it possible that it was?

18 A It's possible.

19 Q So when you got back to the headquarters, what happened to  
20 that plastic bag? Did you see?

21 A Yeah. It went with us collectively. We walked up with  
22 Mr. Sheltra and the bag up to the -- the HSI office.

23 Q Who was carrying the bag?

24 A Either myself or one of the agents. I'm not a hundred  
25 percent certain. I didn't ask for help. You know, we

1 collectively walked up as a group, escorting Mr. Sheltra, and  
2 then the -- the bag was then subsequently delivered to evidence  
3 custodian Otey, Josh Otey.

4 Q Who gave the bag to Otey?

5 A I'm not a hundred percent clear. It's either by myself  
6 or -- it was either done by myself or through -- I can't be a  
7 hundred percent sure, and I didn't ask for assistance from one  
8 of the other agents to temporarily hold it, you know, but I was  
9 part of that process, and it was caused by me.

10 Q Did you see the bag being given to Otey?

11 A Yeah. Roughly. You know, Mr. Sheltra went one way in  
12 the -- once we got to the office, and the bag went to Officer  
13 Otey, who was set up -- he had an area set up by, like, a  
14 breakfast bar that we have to process the evidence.

15 Q So you're not exactly sure who gave it to Otey?

16 A The actual physical handoff, I believe it was me, but I'm  
17 not -- like I said, not a hundred percent certain based on my  
18 recollection at this point. But like I said -- you know, I  
19 only had so many hands. We had Mr. Sheltra going one way and  
20 the bag going a different direction, and there was collectively  
21 four or five of us transporting both up to the top of the  
22 office.

23 Q And what -- did anyone see what Otey did with it that you  
24 know?

25 A He would have then processed it, but at that point my role

1 had stopped once it was turned over to him.

2 Q So whatever he did, you didn't see?

3 A No. I would have -- that would have completed my  
4 involvement with that phone once he received it.

5 MR. KAPLAN: All right. I have nothing further, your  
6 Honor.

7 THE COURT: Any redirect?

8 MS. MASTERSON: Briefly, your Honor.

9 REDIRECT EXAMINATION

10 BY MS. MASTERSON:

11 Q Agent Curtis, you were considered the seizing officer of  
12 the phone; is that correct?

13 A That is correct.

14 Q What does that mean as far as, like, keeping an eye on  
15 that phone? Are you responsible for it?

16 A I am responsible for it, correct.

17 Q If it had not -- if that bag had not made it to Otey --  
18 or -- what would have happened?

19 A I would have been held responsible and they would have  
20 asked me where it was.

21 Q Were you ever asked, "Where's the bag?"

22 A No.

23 MS. MASTERSON: Nothing further, your Honor.

24 THE COURT: Any recross?

25 MR. KAPLAN: No, your Honor.

THE COURT: Thank you, sir. You may step down.

2 THE WITNESS: Thank you.

3 (The witness was excused.)

THE COURT: The Government may call its next witness.

5 MR. GILMAN: The Government calls ICAC Task Force  
6 Commander Matthew Raymond.

7           COURTROOM DEPUTY: Please raise your right hand and  
8 state your name for the record.

9 THE WITNESS: Matthew Raymond.

10 MATTHEW D. RAYMOND,

11 having been first duly sworn by the courtroom deputy,

12 was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. GILMAN:

15 Q Good afternoon, Commander Raymond.

16 A Good afternoon.

17 MR. GILMAN: May I inquire, your Honor?

18 THE COURT: You may.

19 MR. GILMAN: Thank you.

20 Q Who do you work for currently?

21 A The Vermont Office of Attorney

22 Q And what is your position there?

23 A I am a criminal investigator the

24 commander of the Vermont ICAC.

25 Q What is the Vermont ICAC?

For more information about the study, please contact Dr. John P. Morrissey at (212) 305-2500 or via email at [jmorrissey@nyp.edu](mailto:jmorrissey@nyp.edu).

1 A The Vermont Internet Crimes Against Children Task Force.

2 Q And what is the purpose of that task force?

3 A To prevent the victimization of children by people using  
4 technology or the Internet.

5 Q Okay. If you would, can I ask you to speak a little bit  
6 more into the microphone.

7 A Yeah. Sorry. It echoes in this -- I've not ever  
8 testified in a face shield, so --

9 Q And so what are some of your duties and responsibilities  
10 in that role?

11 A I manage the Vermont ICAC, both the day-to-day operations;  
12 the budgeting; equipment procuring; training; officer  
13 selection; assignment of cases.

14 Q How long have you worked at the Vermont ICAC?

15 A Since 2011.

16 Q Approximately how many cases have you worked on with the  
17 ICAC?

18 A Hundreds.

19 Q Where did you work previously?

20 A Directly previously to that was for the Vermont Department  
21 of Education, and previous to that was Vermont State Police.

22 Q At the Vermont State Police, what was your position there?

23 A I started as a road trooper, and I left as a detective  
24 sergeant.

25 Q What were some of your responsibilities with the Vermont

1 State Police over that time?

2 A Well, again, I started as a road trooper. Then I was a  
3 K-9 officer. And then I was a detective sergeant and I did  
4 death investigations and arson investigations.

5 Q And what time period again were you with VSP?

6 A From '94 to 2006.

7 Q Okay.

8 A Sorry.

9 Q And what did you do after the Vermont State Police?

10 A I went and did educator misconduct investigations for the  
11 Department of Education.

12 Q Okay. Prior to joining law enforcement, what was your  
13 educational background?

14 A I had a two-year degree from Champlain College in law  
15 enforcement, and I had, like -- I think it was, like, 14  
16 credits short of a bachelor's degree at Castleton when I got  
17 offered the job in the state police and dropped out.

18 Q Okay. In your career, can you give the jury an idea of  
19 the trainings you have received and conducted?

20 A It's been 27 years. That's a lot of training.

21 Q Let's try and focus on a more particular time. I'm most  
22 interested in your time with the ICAC. And can we focus on  
23 trainings that you -- have you received any trainings?

24 A Yeah. I've received a lot of training. I've received  
25 investigative techniques, which is the basic how to investigate

1 things across the Internet; undercover chat, like every  
2 different peer-to-peer; on-scene investigations. I've received  
3 so many, I can't remember them all at this point.

4 Q Okay. Drawing your attention to this case, were you  
5 supervising?

6 A Yes.

7 Q As a supervisor, what did you do here?

8 A I was overseeing the investigation. Once somebody that  
9 was chatting believed they developed probable cause, they would  
10 be assigned an attorney to review the case for probable cause  
11 and for any evidence of entrapment, and then the case would  
12 come to me or to Caitlyn Moynihan, who I had assisting me, for  
13 a secondary review, and then we would give it a green light for  
14 a meet location and arrest.

15 Q Okay. What, if any, determination was made as to Mr.  
16 Sheltra on September 10th, 2017?

17 MR. KAPLAN: Objection, your Honor.

18 THE COURT: Sustained.

19 Q Did you have any role regarding making determinations  
20 about Mr. Sheltra on September 10th, 2017?

21 MR. KAPLAN: Objection, your Honor.

22 THE COURT: So I'm going to have you put on the  
23 microphones and we'll turn on the husher, and I'm going to  
24 inquire further of the attorneys.

25 (Pause in the proceedings.)

1                   THE COURT: In this imperfect world, my headphones  
2 have died and we are going to go into that side room. So we  
3 will have the jury remain in the courtroom. We will go out,  
4 come out with the court reporter, and we'll go from there.

5                   (The following was held out of the presence of the jury  
6 and the defendant.)

7                   THE COURT: All right. I didn't think this was an  
8 objection I could hear without hearing too much of what was  
9 sought to be offered, so, Mr. Kaplan, please articulate your  
10 objection, and then I might ask for an offer of proof.

11                  MR. KAPLAN: I don't think it's appropriate for this  
12 police officer to give credence to the charge. That's for the  
13 jury to decide whether or not he's guilty. He can tell them  
14 what he did, but not his conversations with the State's  
15 Attorney or the U.S. Attorney, whoever it was, you know.

16                  THE COURT: I was worried this was going to go to this  
17 witness saying, "I had determined there was probable cause."  
18 Is that what it's going to?

19                  MR. GILMAN: I'm just trying to elicit that he made  
20 the determination to arrest Mr. Sheltra. I wasn't going to  
21 specify, like, any specific standard of suspicion.

22                  THE COURT: Okay. Well, I'm going to let you lead.

23                  MR. GILMAN: Okay.

24                  THE COURT: And you're going to say, "Did you make the  
25 decision to arrest Mr. Sheltra," but we're not going to have

1 any discussion of probable cause or not probable cause.

2 MR. GILMAN: Yes, your Honor.

3 MS. MASTERSON: And if I may, can the -- can my  
4 colleague ask about his review of the materials? Because I  
5 believe the detective would testify that he reviewed the chat  
6 communication and thereafter authorized the arrest.

7 MR. KAPLAN: I don't -- I just -- I would object to  
8 that, Judge, because what he's doing is -- they already put the  
9 witness on who was there. She already explained what all of  
10 that meant to her, and now he's looking at something he wasn't  
11 a part of and giving an interpretation, and that's for the jury  
12 to decide, I think.

13 THE COURT: Well, here's the problem is that if he  
14 says, "I reviewed all of the materials and made the  
15 determination to arrest Mr. Sheltra," that's a hop, skip, and a  
16 jump from, "I determined that there was probable cause to  
17 arrest him," and it doesn't matter whether there was probable  
18 cause to arrest him or not. So I'm going to allow you to lead  
19 and ask, "Were you the person who made the determination to  
20 arrest him? What happened next?"

21 MR. GILMAN: Yes, your Honor.

22 (The following was held in open court.)

23 THE COURT: Mr. Gilman, you may proceed.

24 MR. GILMAN: Thank you, your Honor.

25 Q BY MR. GILMAN: Commander Raymond, on September 10th,

1 2017, did you make the decision to arrest Mr. Sheltra?

2 A Yes.

3 Q What happened next?

4 A We gave the information on him and his vehicle to the  
5 arrest team, and they waited for him to arrive at the  
6 predetermined location.

7 Q Okay. After Mr. Sheltra was arrested, where did he go?

8 A He was brought to Homeland Security Investigations in --  
9 in South Burlington, Vermont.

10 Q Were you present when Mr. Sheltra was brought back?

11 A I was present in the building, yes.

12 Q What did you observe then, if anything?

13 A After he was put into holding -- or an interview room at  
14 that point, actually, I was up front by my office. There's  
15 a -- what they call a breakfast bar off to my right, and Mark  
16 Curtis brought in a bag of items that were seized from the  
17 defendant to -- handed them to Josh Otey at the breakfast bar.

18 Q What happened next?

19 A Josh Otey, I had assigned him as evidence custodian for  
20 the day. He separated out the items that would be returned  
21 as -- to the defendant and what would be retained as evidence.

22 Q Okay. I'm going to ask you to refer to Government Exhibit  
23 10 in the binder in front of you. It will be Tab 10 in the  
24 binder.

25 A Yes.

1 Q Do you recognize this?

2 A Yes, I do.

3 Q What is this exhibit?

4 A It tracks the chain of custody of evidence in this case.

5 Q Okay. And how do you recognize it?

6 A It was -- first -- the first line of it was completed by  
7 Josh Otey, and I completed the rest of it.

8 Q Okay. And how can you tell that?

9 A Because I recognize the form.

10 Q Okay. Do you recognize your handwriting on this form?

11 A Yes, I do.

12 Q All right. I'm going to ask you to examine the bag on the  
13 witness stand that's marked for identification as Government  
14 Exhibit 11.

15 A Yes.

16 Q What does Government Exhibit -- that bag contain,  
17 Government Exhibit 11?

18 A The defendant's phone that was seized from him that day.

19 Q And how can you tell that's the defendant's phone?

20 A Well, first of all, I signed the bag on November 5th after  
21 reviewing the contents. This is my initials and the signature.  
22 But on it is a case number, an item number on the case of the  
23 phone. That was placed there by Josh Otey using software, the  
24 printer that I gave him to label all the evidence. And then  
25 this was taken from there and placed in an evidence bin, which

1 was in my possession, tracked on that evidence form, until it  
2 was given for examination.

3 Q How did you store the phone when it was in your custody?

4 A We had -- for the operation we were conducting, had an  
5 evidence bin, and each case was in a bag inside the evidence  
6 bin.

7 Q How did you keep track of where Government Exhibit [sic]  
8 was being stored?

9 A So that's what the chain of custody is for.

10 Q Okay. And just for the benefit of the jury, can you  
11 explain what a chain of custody form is?

12 A Yeah. It tracks, from the moment we get an item to the  
13 moment we dispose of the item, where at every moment in time  
14 that item was and who it transferred custody from. If it was  
15 given from me to another officer or another officer to me, it's  
16 tracked on the form of its current location at any given time.

17 Q Thank you. And did you ultimately transfer custody of  
18 Government Exhibit 11?

19 A Yes, I did.

20 Q Approximately when?

21 A Is it okay to look at the form?

22 Q If that would help your recollection, yes. Government  
23 Exhibit 10.

24 A Yes. So I -- I had -- it was placed in the evidence bin  
25 on -- on the 10th, and I gave it to Tim O'Leary on October

1 13th, 2017, at 12:07.

2 Q And when you said "the 10th," what month and year would  
3 that be?

4 A I'm sorry. September 10th, 2017.

5 Q And who did you give it to again? I apologize.

6 A Tim O'Leary, a Homeland Security Investigations agent.

7 Q Thank you.

8 MR. GILMAN: May I have a brief moment, your Honor?

9 THE COURT: Yes.

10 Q While --

11 MR. GILMAN: May I inquire, your Honor, just another  
12 question?

13 Q While Government Exhibit 11, the phone, was in your  
14 custody, how did you secure it?

15 A It was in the evidence bin, and the evidence bin was  
16 either in my possession beside me while I was working or locked  
17 in a locked office inside a locked government building that's  
18 alarmed.

19 MR. GILMAN: Thank you. Nothing further at this time,  
20 your Honor.

21 THE COURT: Any cross-examination?

22 MR. KAPLAN: Thank you, Judge.

23 CROSS-EXAMINATION

24 BY MR. KAPLAN:

25 Q Mr. Raymond, so you saw the bag being given to Otey?

1 A Yes.

2 Q And what was in the bag?

3 A At that time it was all the possessions, I believe, that  
4 were on the defendant when he was arrested.

5 Q Okay.

6 A Some of them were returned as personal property. Those  
7 were bagged. A companion case was punched by Burlington PD,  
8 and Burlington PD was doing our transports, so they were given  
9 a bag of personal property that would go to their PD, because  
10 it's available 24/7 and we're not, and they would punch an  
11 agency assist case and track that property that was just going  
12 to be returned to him. In this case only two items were  
13 retained, one being the keys to his car and one being the  
14 phone.

15 Q Who took the phone out of the bag?

16 A That would be Josh Otey.

17 Q You saw him do it?

18 A He took all the items out of the bag, laid them on the  
19 breakfast bar, and took pictures of them.

20 Q You saw him do that?

21 A Yes.

22 Q Okay. And then what did he do with the phone?

23 A He printed an -- well, he recorded it. There was two  
24 forms. I only see one here. One's a chain of custody. The  
25 other is an evidence form. Writes on the form what it is,

1 which delineates the item number, and then writes that it was  
2 given to the evidence bin. Before that he prints off the case  
3 number and item number on a -- on a sticker and sticks that to  
4 the phone, and then it all goes in a big paper evidence bag  
5 with just the case number on it, which in this case would just  
6 have the keys and the phone in it, and then he comes over and  
7 places it in the evidence bin.

8 Q So before it's put in the evidence bin, is the bag sealed?

9 A The paper bag?

10 Q Well, I'm assuming that -- can you hold up the bag that  
11 you have there, please.

12 A Yes.

13 Q All right. So that's a plastic bag, right?

14 A Yes.

15 Q Did Otey put everything in that bag?

16 A No. There's several bags where it's been rebagged over  
17 time.

18 Q Where's the one that Otey put the phone in?

19 A I don't think we were using these plastic bags that  
20 Homeland Security uses at that time. It would have been a  
21 paper bag, I believe.

22 Q All right. So Otey put the phone in a paper bag?

23 A Well, the phone is given a sticker so we know which one  
24 the phone is. The only other item is keys, and it's placed in  
25 a paper bag that's then placed in the evidence bin.

1 Q And did you see it placed in the paper bag?

2 A Yeah. That's what he came over and put in the evidence  
3 bag.

4 Q Was the paper bag sealed?

5 A I can't remember.

6 Q Okay. So -- and then it's placed into an open bin?

7 A An evidence bin. Well, there's a lid on it, yes.

8 Q Okay. So did anyone have access to it?

9 A No.

10 Q Why not?

11 A Because it's in my office.

12 Q Okay. So anyone coming into your office would have had  
13 access to it?

14 A Yes.

15 Q Okay. And do you know whether or not that phone was  
16 turned on?

17 A No. It's -- at that time it's turned off.

18 Q How do you know?

19 A Well, first of all, if there was any notifications given  
20 to it, I would have been hearing the evidence bin ringing or  
21 going off.

22 Q So who turned --

23 A Second of all, that's protocol for what Josh Otey is  
24 supposed to do.

25 Q Who turned the phone off?

1 A I don't know.

2 Q Was it a flip phone or just a regular --

3 A It's right here. It's a --

4 THE COURT: So I don't know -- is Exhibit 11 admitted?

5 MR. KAPLAN: No.

6 THE COURT: So we would keep it down. People have  
7 been kind of freely putting it back, but it's not in evidence  
8 at this point.

9 Q All right. So do you know if anyone came into your office  
10 and looked at it?

11 A Not to my knowledge.

12 Q But it's possible someone could have?

13 A No.

14 Q Why?

15 A Because it would have to have been checked out of the  
16 evidence bin.

17 Q All right. And so then how did it get into a plastic bag  
18 eventually?

19 A When I transferred it to Tim O'Leary.

20 Q And did you see him put it in a plastic bag?

21 A No. I handed him the phone when I transferred it to him,  
22 wrote down on my form that I gave it to him, and that was the  
23 end of it for me.

24 Q Okay. And is that the bag that O'Leary put it in, do you  
25 think?

1 A I don't know.

2 MR. KAPLAN: Okay. I have nothing further, Judge.

3 THE COURT: Any redirect?

4 MR. GILMAN: Nothing further from the Government, your  
5 Honor. Thank you.

6 THE COURT: All right. I'm going to ask whoever picks  
7 up the phone to wear gloves. We probably should have had  
8 gloves on both the witness and -- but to limit the exposure,  
9 we'll have at least whoever picks it up.

10 And you may step down, sir. Thank you.

11 THE WITNESS: Sorry. Thank you. I leave everything  
12 here?

13 THE COURT: That's fine. Yes.

14 (The witness was excused.)

15 THE COURT: The Government may call its next witness.

16 MS. MASTERSON: Thank you, your Honor. The Government  
17 calls Frank Thornton.

18 COURTROOM DEPUTY: Please raise your right hand and  
19 state your full name for the record.

20 THE WITNESS: Francis Joseph Thornton, Jr.

21 FRANCIS J. THORNTON, JR.,

22 having been first duly sworn by the courtroom deputy,

23 was examined and testified as follows:

24 DIRECT EXAMINATION

25 BY MS. MASTERSON:

1 Q Good afternoon. Mr. Thornton, what do you do for a  
2 living?

3 A I provide digital forensic services.

4 Q Who do you work for?

5 A I work for myself.

6 Q What's the name of your company?

7 A My company's name is Blackthorn Systems, Blackthorn  
8 Information Technology, and Blackthorn Information Security.

9 Q Why the multiple names?

10 A It started off as just Blackthorn Systems and kind of  
11 evolved over the years as the job has changed. The services  
12 have changed.

13 Q Where is your business located?

14 A Technically it's a P.O. box here in Burlington, but I work  
15 out of my home in Williston.

16 Q How long have you been self-employed with Blackthorn?

17 A Twenty-three years now.

18 Q Since 1997?

19 A Yes.

20 Q Did it start as a full-time job, or did it change into  
21 that at some point?

22 A It changed in about 2000 to a full-time job. I took --  
23 started off as a part-time endeavor and took it full time about  
24 2000.

25 Q Do you have law enforcement experience?

1 A Yes, I do.

2 Q Will you please let the jury know of that experience  
3 starting with your first job.

4 A Sure. My first job was with Burlington Police Department.  
5 I was a part-time officer, and in 1982 I went to Shelburne PD  
6 as a full-time officer. I left there in 1995 as a detective  
7 lieutenant. After that I worked for the State doing crime  
8 scene investigations and latent fingerprint work at the  
9 forensic laboratory.

10 Q Do you have experience with the Chittenden County  
11 Sheriff's Office?

12 A Yes. I had a part-time position with the sheriff's  
13 department and also with the Essex Police Department.

14 Q What work, if any, have you done with the State of Vermont  
15 Forensic Laboratory?

16 A Well, I -- as I said, I worked doing crime scene  
17 investigations and I've worked doing latent fingerprints, and I  
18 also had kind of a side job there as the network administrator  
19 for the laboratory.

20 Q Can you bring the mic a little closer to you, please.

21 A Sure.

22 Q Will you briefly describe for the jury the training that  
23 you received as a law enforcement officer.

24 A There was the basic academy. I had a lot of courses over  
25 the years. If the academy was offering extra courses, I'd

1 basically take them, so I took a lot of things from --  
2 everything from supervisory courses to DWI to some early  
3 forensics.

4 Q Let's talk about the training that -- and education that  
5 you have received specific to the area of digital forensics.  
6 What have you received?

7 A Well, I started off in high school fiddling around with  
8 computers quite a bit, and I did some IT work kind of part time  
9 over the years, which when I went to the forensic laboratory  
10 ended up being the administrative job there for the laboratory  
11 network.

12 After that I started taking courses at Champlain. I took  
13 a digital forensics major to get both a bachelor's and a  
14 master's degree combined into one situation.

15 A few years ago I had to drop out just due to time  
16 constraints, but I should get back to it.

17 Q And I just asked you about digital forensics. Can you  
18 explain a little bit -- or explain that term for the jury,  
19 please.

20 A Sure. Basically with -- with forensics, the approach is  
21 to provide scientific work within the legal framework. So we  
22 do things -- we take evidence in and examine it under certain  
23 rules that apply to the legal arena.

24 The digital forensics portion, the digital portion is to  
25 do that with things like cell phones, computers, other --

1 anything, almost, that's digital in nature nowadays.

2 Q What certifications, if any, do you have in the area of  
3 digital forensics?

4 A I currently hold two. I've had some in the past, but the  
5 two I currently hold are for the seizure of cell phones from  
6 crime scenes and I'm also a Certified Computer Examiner through  
7 the International Association of Forensic Computer Scientists.

8 Q What does being certified mean?

9 A Well, it basically means doing a lot of course work,  
10 meeting certain requirements, and then getting examined to make  
11 sure that you meet certain requirements for doing the  
12 procedures correctly.

13 Q Once you're certified, are you certified for life, or do  
14 you have to get recertified?

15 A No. There's a recertification process I have to go  
16 through every three years -- I'm sorry, every two years.

17 Q Every what?

18 A Two years.

19 Q Do you receive continuing education in the area of digital  
20 forensics?

21 A Yes, I do.

22 Q What is that?

23 A Well, the last year it's been mainly online training. A  
24 lot of it had been online before. Some of it had been  
25 attending actual conferences. But it varies over the years

1 depending upon what subjects are being offered and as the  
2 subject itself changes. You know, it's a lot of updating on  
3 the latest phones, for instance, or the latest computer  
4 equipment, that type of thing.

5 Q Have you been involved in training other law enforcement  
6 personnel?

7 A Yes, I have.

8 Q In what subject matters?

9 A I used to teach at the academy for crime scene  
10 investigations, and I also would instruct on fingerprints.

11 Q Are you the member of any professional organizations?

12 A Yes. I'm in the High Tech Criminal Investigators  
13 Association. I'm also in the International Society of Forensic  
14 Computer Examiners.

15 Q Are you a published author?

16 A Yes, I am.

17 Q Have you presented papers in the area of digital forensics  
18 and computers?

19 A Yes.

20 Q Do you perform work for the United States Attorney's  
21 Office for the District of Vermont?

22 A Yes, I do.

23 Q Are you a subcontractor?

24 A Yes.

25 Q Tell us a little bit about that relationship.

1 A A friend of mine is the main contractor. He had -- had  
2 the contract with your office for a number of years. He's  
3 since moved to Florida and has subcontracted all the work with  
4 me since then.

5 Q How long have you been doing this work with the U.S.  
6 Attorney's Office?

7 A It's been about eight years at this point.

8 Q How does it come about that you -- or how do you get  
9 brought into a case?

10 A Well, typically what will happen is one of the Assistant  
11 United States Attorneys who's given a case will call me and say  
12 that they need some criminal investigation work done, sometimes  
13 civil, mainly criminal work, done on a given phone. I'll -- or  
14 computer. I will take the phone or computer in and examine it  
15 and provide information as to what evidence, if any, is on that  
16 device.

17 Q Do you also provide testimony in hearings and trials?

18 A Yes, I do.

19 Q Like today?

20 A Like today.

21 Q How much are you paid?

22 A \$135 an hour.

23 Q I'd like to turn our attention right now to the process of  
24 searching cell phones in criminal investigations. When you are  
25 given a cell phone to search, what is your process? And let's

1 start at the beginning for when you are being asked to conduct  
2 a search of a cell phone.

3 A Well, typically what happens is I'm given a search warrant  
4 that's been signed by the judicial authority. I also get the  
5 phone or device in at the same time. I document some basic  
6 things about the phone, such as the serial number, the phone  
7 number if it's available, those kinds of pieces of information.  
8 And then I will actually start examining the phone itself.

9 Q So what sort of data do you document about the phone?

10 A Things like the international equipment identifier number.  
11 Every phone has a unique number. I may document things like  
12 the SIM card number if there's a SIM card inside the phone. It  
13 depends on the actual model of the phone. And that's also what  
14 I document, the make and model, that type of thing. Basic  
15 information.

16 Q What is a SIM card, just briefly?

17 A The SIM card is the module that helps the phone talk to  
18 the actual network. It's usually a small white card that's  
19 inserted inside the phone. Most phones have them nowadays.

20 Q "The network," you mean the cellular network?

21 A The cellular network, yes.

22 Q Like AT&T or Verizon?

23 A Correct.

24 Q Are you always provided with a search warrant when you are  
25 being asked to conduct a search?

1 A The majority of times. Sometimes it's a consent search,  
2 so a search warrant isn't necessarily needed.

3 Q How does a search warrant inform the scope of your search  
4 of any digital device, of any cell phone?

5 A Typically a search warrant will say something like "search  
6 for information pertaining to a particular crime," so it's  
7 rather open-ended in that I've got to look for information that  
8 might prove or disprove that the phone was used in a particular  
9 crime.

10 Q Before you begin the process of extracting data from a  
11 cell phone, what steps, if any, do you take to ensure that the  
12 contents of the phone cannot be changed when you turn it on?

13 A Well, typically the big change is you want to disconnect  
14 it from the cellular network and prevent anything from  
15 happening over the air to the phone. So what is usually done  
16 is it's put into airplane mode, and oftentimes it has to be  
17 done within a faraday cage or a faraday bag, which is a device  
18 that's used to block the signals getting to the phone so that  
19 it can't talk to the network.

20 So it gets put in there, I'm able to turn it into the  
21 airplane mode so it's off the network permanently, and then I  
22 can start the examination of the phone knowing that nothing's  
23 going to happen to it.

24 Q Does the phone get charged completely before it is put  
25 into the faraday device and turned on?

1 A Typically, yes.

2 Q Does the faraday device -- you mentioned a cellular  
3 network. Does the faraday device also block access by any  
4 device to a Wi-Fi network?

5 A Both Wi-Fi and -- and Bluetooth, yes.

6 Q Is it possible for someone to set a phone to -- I call it  
7 self-destruct or erase everything remotely in certain  
8 circumstances?

9 A Yes.

10 Q Is that one of the purposes for putting the phone into the  
11 faraday bag before you begin -- before you turn it on?

12 A Yes. That's one of the main purposes.

13 THE COURT: So let's have a spelling of faraday. I'm  
14 hearing "ferret day" and lots of variations on it. Let's make  
15 sure we know what we're talking about.

16 Q Mr. Thornton, will you please spell faraday.

17 A Sure. It's F-A-R-D-A-Y -- I'm sorry. There's an extra A  
18 in there. F-A-R-A-D-A-Y.

19 Q Other than that hypothetical self-destruction of a phone,  
20 is there another purpose for putting it into airplane mode  
21 before you turn it on?

22 A Well, it just provides complete isolation so there's no  
23 question whether it's hooked into another network, whether it's  
24 a Wi-Fi or cellular; any kind of information that's coming in  
25 that might be modifying it; you're not getting any kind of

1 updates over the air that would change the phone content on  
2 you. That type of thing generally.

3 Q Like if -- hypothetically, if a phone was turned on and it  
4 accessed a network, would emails that had been sent populate  
5 the email inbox that did not exist when the phone was  
6 originally seized?

7 A That's correct.

8 Q That's just one example?

9 A That's one example. It's a good example, yes.

10 Q Thank you. Now, after the phone has been secured in  
11 airplane mode in the faraday bag, what is the next thing that  
12 you do?

13 A Take it out of the bag. It's plugged into a computer that  
14 has specialized cell phone examination software on it, and the  
15 software then pulls the information down into the computer,  
16 where it analyzes it and presents it in a form that I can go  
17 through and kind of do the deep dive looking for things.

18 Q Is -- is that the only way to extract information from a  
19 phone?

20 A No. With older phones, the older feature phones, the dumb  
21 phones we typically call them, those you can -- you can't  
22 necessarily access very well, so you have to do a manual  
23 examination where you actually sit there and you look at  
24 something, look through, for instance, the texts, and you  
25 photograph each one. Software, when it works, with the newer

1 phones eliminates that kind of manual examination, which can be  
2 pretty tedious.

3 Q Is a manual extraction as effective at getting the most  
4 data out of a phone?

5 A No, unfortunately, because you can only see what the user  
6 sees. If something has been deleted, for instance, on the  
7 phone, you can no longer find it through that interface. With  
8 the software, typically a lot of times you can actually go in  
9 and find information that has been previously deleted or has  
10 been changed, and you can look back on the changes.

11 Q I imagine that would take forever.

12 A Well, depends on the actual phone. The more capacity on  
13 the phone, the longer it takes to do any kind of examination.

14 Q Is using an electronic extraction software more efficient?

15 A Oh, it's much more efficient, yes.

16 Q What is the electronic extraction software that you use?

17 A The one I typically use is called Cellebrite. It's a  
18 brand name for a company out of Israel.

19 Q Will you spell it, please.

20 A C-E-L-L-E-B-R-I-T-E.

21 Q C-E-L-L-E-B-R-I-T-E?

22 A Yes.

23 Q All right. What is this forensic software or electronic  
24 extraction software manufactured by Cellebrite? Just generally  
25 how does it work?

1 A Well, generally what happens, when it's plugged into the  
2 phone, it will do an examination or pulls down all the  
3 information and places it into a file or series of files that  
4 are set up for further examination. If there's a picture, it  
5 will pull the picture in. If there's data for texts, it will  
6 pull that data in. And what it does is it retains the  
7 information pertaining to those files and keeps the original  
8 date and time, so forth, so that it's not modified during that  
9 process.

10 Q What is the goal of using this electronic extraction  
11 software?

12 A The big goal is to make sure that things are not modified  
13 at all and you're getting an exact copy of whatever's on the  
14 phone at a given time.

15 Q Is Cellebrite -- what's the reputation of Cellebrite that  
16 you know based on your training and experience?

17 A It's pretty much the gold standard in forensic examination  
18 for cellular devices.

19 Q Is it commonly used by -- I mean, you're a private  
20 examiner; is that correct?

21 A Yes.

22 Q To your knowledge, does law enforcement also use it?

23 A Law enforcement uses it a lot. A number of government and  
24 private organizations all use it, yes.

25 Q What are the types of devices that are generally examined

1 using the Cellebrite technology?

2 A Predominantly cell phones are examined using it, but it  
3 also has the ability to pull down information from things like  
4 music players, not as common as much anymore; drones. That's  
5 one of the up-and-coming features. Just a lot of small mobile  
6 electronic devices you can actually plug into the Cellebrite  
7 and it will pull down the information that's contained on them.

8 Q Okay. And let's talk a little bit -- I know we touched on  
9 it, but I like to ask you in detail. What exactly are the  
10 mechanics of extracting data from a cell phone? How does it  
11 work?

12 A Well, it goes in and it talks to the device, and it says,  
13 "I want you to give up this piece of information for me," and  
14 it will pull down, as I said, things like the text files, it  
15 will pull down photographs, it will pull down a lot of the  
16 information, the operating system files that it finds, and it  
17 makes an exact copy from the phone and then puts it on the  
18 computer so it can be further examined.

19 Q Okay. To come at it a different way, so you down- -- you  
20 have -- I assume, have to purchase the software.

21 A Yes.

22 Q Does it come with any materials that you need that are  
23 special to using that software?

24 A No. It used to. There used to be kind of a whole kit  
25 that you'd have to do. Now basically you can get different

1 adapters in case you have different older phones that have  
2 different plugs and so forth, but for the most part, nowadays  
3 it is just a matter of using a standard USB cable to fit that  
4 phone, and you plug it into the phone and then you plug it into  
5 the computer and make sure everything's connected, the software  
6 will verify it sees the phone, ask for the make and model  
7 number - sometimes it will self-identify those things - and  
8 then starts pulling information in.

9 Q So basically you plug it in, follow prompts, and the  
10 software does the rest?

11 A That's pretty much the -- yeah.

12 Q Are there different types of extractions that are capable  
13 with this technology?

14 A Yes. There's three different types of extractions.  
15 There's the -- what's known as the logical, and that's  
16 essentially what the user sees when they're using their phone.  
17 There's -- basically the same thing that a user would see is  
18 all that is gotten or obtained through a logical examination.

19 The next level is a file level, which is a little deeper  
20 dive, and you actually pull out a lot of file-level -- file  
21 information from the device.

22 The final one is called the physical, and the physical is  
23 really pulling all the ones and zeros out and making exact  
24 copies all the way down at the level of the memory within the  
25 phone itself.

1 Q You said -- going back to the prompts. After you plug the  
2 phone into the computer, the prompts will then trigger the  
3 prompts to say "what type of extraction," and you will say  
4 "file," and it will then conduct that one?

5 A Yes.

6 Q What data, if any, on a phone gets changed during the  
7 extraction process?

8 A The extraction process keeps things like photographs and  
9 file -- text files and those types of things in a one-to-one  
10 situation so that if it exists on the phone in this way, it  
11 will get copied over. The phones by themselves will change  
12 data as they upload -- or as they first turn on. They do some  
13 what we call housekeeping. For instance, they may move a  
14 picture within one area of memory to another area. But there's  
15 no control over that from the examiner's standpoint.

16 Q Does data get added to the phone during the extraction  
17 process?

18 A Typically, no.

19 Q Is there an atypical example that you can think of?

20 A Yes. There are some times with some Android-type phones  
21 you can add data if it's in a particular mode. You may need to  
22 do that just to get it into the mode so it will talk to the  
23 computer, but that's pretty rare.

24 Q To your knowledge, did that happen in this -- in your  
25 examination in this case?

1 A It did not.

2 Q Do you run -- do you pick -- like, if you want to do a  
3 physical extraction because that gives you the most data, do  
4 you start with that and call it good after that's done, or do  
5 you do it in a particular order?

6 A I usually do it in the order of a logical, a file level,  
7 and then the actual physical level examination. The -- because  
8 of the way the process is done, you've got a potential for  
9 damaging the phone. If you start off with the all or nothing  
10 physical exam, you could in fact destroy information and not  
11 get anything. So I like to do it where I get three different  
12 levels. I go in at a low level first, then the secondary  
13 level, and then finally the deep dive.

14 Q Is a report created after the extraction?

15 A Yes.

16 Q Do you get -- if you do in your process logical, file,  
17 physical, do you get three different reports, or do you have  
18 other options?

19 A You have the option to combine them all into one, and  
20 typically that's what I do. It does kind of add replication of  
21 some pieces of information. They're denoted within the report  
22 that says this area has a duplicate. In fact, sometimes you  
23 can see three or four duplicates depending upon what the file  
24 was. But it tends to be a much more compressed format.

25 The typical kind of examinations render reports of about

1 10,000 pages. I think this -- in this particular case, it went  
2 to just under 12,000. If I did three different reports, there  
3 would be something on the order of 36,000 pieces of -- of paper  
4 to dig through. Nobody wants to do that. 12,000's bad enough  
5 by itself.

6 Q I'd like to turn your attention to the work that you did  
7 in this case. What was your assignment?

8 A I was asked to look at a phone provided by the Homeland  
9 Security Investigations and see if I could find some  
10 information related to a child luring case.

11 Q You were given the phone; did I hear you say that?

12 A Yes.

13 Q What, if anything, else were you given?

14 A I was also given a copy of the search warrant.

15 Q Were you asked to perform an extraction of that cell  
16 phone?

17 A Yes, I was.

18 Q All right. I believe what's been marked for  
19 identification as Government's Exhibit 11 should be before you.

20 COURTROOM DEPUTY: Ms. Masterson, Mr. Gilman had  
21 retrieved it.

22 MS. MASTERSON: It's not -- you're not -- hang on.  
23 Your Honor, may I approach the witness?

24 THE COURT: You may.

25 Q Mr. Thornton, I've handed you what has been marked for

1 identification as Government's Exhibit 11. Do you recognize  
2 that item?

3 A I do.

4 Q What is it?

5 A This is the cell phone I examined in this case.

6 Q How do you know that it's the phone that you examined in  
7 this case?

8 A Well, there's a couple things, one of which is I can see  
9 the identification numbers here and there's also my initials on  
10 the -- one of the inner bags.

11 Q How did you conduct the extraction of data from that  
12 phone?

13 A It was the same process I described earlier. I took the  
14 phone, I did some basic documentation on it, things like the  
15 identification number. I then plugged it into the software,  
16 went through the steps to tell it to talk to the computer and  
17 acquire all the information that was on the phone. And I did  
18 the three -- the logical, the file, and the physical.

19 Q Did the phone crash at all?

20 A It did not.

21 Q Did it generate any reports of error during the extraction  
22 process?

23 A It did not.

24 Q Was a report generated?

25 A Yes.

1 Q Was it the single or three separate ones?

2 A No. It was the single.

3 Q All right. If you could look -- before you in a manila  
4 folder is Government's Exhibit 25. Do you recognize that item?

5 A Yes, I do.

6 Q What is it?

7 A It's a CD or DVD containing my report.

8 Q How do you know that that CD contains your full report?

9 A Because I looked at it yesterday again.

10 Q Did you make -- did you mark the CD at all to ensure that  
11 you were identifying the correct one here today in court?

12 A Yes. I have my initials and the date on it.

13 Q All right. Stepping back from those specific exhibits, I  
14 want to ask you, what is what I call "attribution evidence"?

15 A Attribution evidence is typically evidence that will show  
16 who owned or used a particular device.

17 Q What are some examples of attribution evidence?

18 A Very commonly things like the name; address; the phone  
19 number tied to the individual; contacts within the phone that  
20 will say first or last name. That type of information.

21 Q Did you review the Cellebrite report that was generated in  
22 this case to look for what we're calling attribution evidence?

23 A Yes, I did.

24 Q In the binder before you, I'm going to point to some  
25 specific exhibits and ask you if you recognize them. Will you

1 please turn to Exhibit 43 for identification. Do you recognize  
2 that?

3 A Yes, I do.

4 Q Just generally, what is it?

5 A Generally it's a calendar entry that shows flight  
6 information.

7 Q Where did you find that item?

8 A This was contained within the cell phone.

9 Q Is there a name associated with that flight?

10 A Yes, there is.

11 Q What name is that?

12 A Randy Sheltra.

13 Q Will you turn to Exhibit 44, please. Do you recognize  
14 that item?

15 A Yes.

16 Q What is it?

17 A This is from a Facebook Messenger app that was within the  
18 phone, and it also identifies participants in the Messenger  
19 conversation as Randy Sheltra as the owner.

20 THE COURT: So let's be careful not to have the  
21 witness testify to the contents of an exhibit that has not been  
22 admitted.

23 Q Where did you find that exhibit?

24 A This was in the cell phone also.

25 Q Will you please look at Exhibit 46. Do you recognize

1 that?

2 A Yes.

3 Q Where was that item found?

4 A This was also within the cell phone.

5 Q In the Cellebrite extraction?

6 A Yes.

7 Q Which was generated through the search of the cell phone?

8 A Correct.

9 Q Will you look at Exhibit 22, please.

10 Oh, actually, please go to Exhibit 49. There's really no  
11 rhyme or reason with the numbering. Do you recognize that  
12 item?

13 A Yes, I do.

14 Q Where did that item come from?

15 A This also came from the extraction from the cell phone.

16 Q Will you look at Exhibit 50, please. Do you recognize  
17 that item?

18 A Yes, I do.

19 Q Where did it come from?

20 A This was also contained within the cell phone extraction.

21 Q Will you look at Exhibit 51, please. Do you recognize  
22 that item?

23 A Yes, I do.

24 Q Where did it come from?

25 A This was also within the cell phone extraction.

1 Q Will you turn to Exhibit 53, please. Do you recognize  
2 that?

3 A Yes.

4 Q What is it?

5 A This is --

6 Q Oh, I'm sorry. Strike that. I -- where did you get it  
7 from?

8 A This was provided to me.

9 Q I'm sorry. Say that again.

10 A This was provided to me.

11 Q Okay.

12 A 52 or --

13 Q I get it. Let's move to 54. Do you recognize that item?

14 A Yes, I do.

15 Q What is it?

16 A This was from a file within the cell phone and the  
17 extraction.

18 Q Please turn to Exhibit 55. What is it? No. I'm sorry.  
19 Force of habit.

20 Where did that item come from?

21 A This was also found within the cell phone extraction.

22 Q If you could look at Exhibit 56. Where did that item come  
23 from?

24 A This was also found within the cell phone extraction.

25 Q Please look at Exhibit 57. Where did that item come from?

1 A This was generated from the cell phone extraction.

2 Q And lastly, will you look at Exhibit 3. Do you recognize  
3 that item?

4 A Yes, I do.

5 Q Where did it come from?

6 A This was also found within the cell phone, the extraction.

7 Q Thank you.

8 MS. MASTERSOHN: Your Honor, the Government offers  
9 Exhibits 43, 44, 46, 22, 17, 49, 50, 51, 53, 54, 55, 56, 57,  
10 and 3.

11 THE COURT: Any objection?

12 MR. KAPLAN: Judge, can I question?

13 THE COURT: You may.

14 VOIR DIRE EXAMINATION

15 BY MR. KAPLAN:

16 Q So, Mr. Thornton, you testified that all of those exhibits  
17 came from your extraction?

18 A Yes, sir.

19 Q And how can you tell just by looking at one exhibit?

20 A I've gone over this material quite a bit, sir.

21 Q Pardon me?

22 A I've gone over the material quite a bit.

23 Q Okay. So if I showed you a document, you'd be able to  
24 tell me if it came from the extraction or not?

25 A Quite possibly if it's something I've seen recently again,

1 yes.

2 Q Okay. Do you recall emails between Mr. Sheltra and  
3 Alisha?

4 A Yes, sir.

5 Q Okay. If you could look at Defendant's Exhibit C. It  
6 should --

7 MS. MASTERSON: I object to this interruption and the  
8 relevance of beginning his cross-examination during the course  
9 of my direct.

10 THE COURT: Well, it's a voir dire about whether or  
11 not these are in fact items found on the phone, and Mr. Kaplan  
12 may probe that.

13 Q So it's Defendant's Exhibit C.

14 A C?

15 Q Since you're able to tell by looking at a document that  
16 came from the extraction, I'm assuming you can tell that came  
17 from your extraction?

18 A Well, I couldn't tell necessarily if this printout came  
19 from the extraction. I can tell you that the information  
20 that's within it is -- is within the extraction.

21 Q The entire document?

22 A I believe so, yes.

23 Q Okay.

24 MR. KAPLAN: So can I move to admit that at the same  
25 time, Judge, or do I need to do it separately? I understand

1 it's voir dire, but --

2 THE COURT: Well, we have a rule, the rule of  
3 completion, and the Court has ruled on that issue. If you want  
4 to move it in now, first I would have to admit the Government's  
5 for it to be --

6 MR. KAPLAN: I don't object to the Government's, your  
7 Honor.

8 THE COURT: All right. And then I'll take up any  
9 objection to Defendant's Exhibit C.

10 43, 44, 46, 22, 17, 49, 50, 51, 53, 54, 55, 56, 57, and  
11 Exhibit 3 are admitted.

12 Any objection to the admission of Defendant's Exhibit C?

13 MS. MASTERSON: The ones that we previously raised.

14 THE COURT: All right. Other than those previously  
15 raised, Defendant's Exhibit C is admitted.

16 MR. KAPLAN: Thank you, Judge.

17 (Government's Exhibits 3, 17, 22, 43-44, 46, 49-51, and  
18 53-57 were received in evidence.)

19 (Defendant's Exhibit C was received in evidence.)

20 MS. MASTERSON: All right. If we could please start  
21 with Exhibit 43. Ms. LaBombard, if you could pull that up,  
22 please. And if you could enlarge it, please.

23 DIRECT EXAMINATION (Continued)

24 BY MS. MASTERSON:

25 Q All right. Looking at that exhibit, Mr. Thornton, would

1 you please tell the jury what it is.

2 A This is the calendar entry that was found within the cell  
3 phone extraction.

4 Q Will you please mark on the screen in front of you the  
5 name of the individual -- Mr. Sheltra's name.

6 A It's right there.

7 Q And is there a date in this area?

8 A Yes.

9 Q What is that date?

10 A Well, there's a start time of January 4th, 2016, at 820  
11 hours and an end time of the same date at 12:14.

12 Q Thank you. And for our purposes now, if you could move  
13 the microphone with you. I think you're going to be looking at  
14 the screen a lot.

15 A Okay.

16 Q All right. Is it movable, or is it --

17 A It's fixed. I'll have to slide back.

18 Q Just please be mindful of the mic so everyone can hear  
19 you.

20 A Yes.

21 Q And generally what does this exhibit relate to?

22 A This was a Google Calendar entry.

23 Q All right. If we could have Exhibit 44, please.

24 Will you please let the jury know what this exhibit is.

25 A This -- this was a portion of a Facebook Messenger app

1 conversation.

2 Q Who are the participants of this?

3 A The participants are Randy Sheltra, identified as the  
4 owner, and Summer Leavitt.

5 Q And I'm marking on this. Is that "Randy Sheltra (owner)"?

6 A Yes.

7 Q What does the word "owner" -- what's the significance of  
8 that word in this context?

9 A In this context the owner is the owner of the device or  
10 the owner of the app. Facebook Messenger can actually work  
11 across different apps, so it just identifies who the owner of  
12 the app is at that particular time.

13 MS. MASTERSON: We can go to Exhibit 46, please.

14 Q What is this?

15 A This is just part of the -- the Google Drive information  
16 contained within the cell phone.

17 Q I've circled an item. What is that?

18 A That's an email associated with the account.

19 Q What's the email address, please?

20 A It's shelrw001@gmail.com.

21 Q All right.

22 MS. MASTERSON: We can go to Exhibit 22, please.

23 Q What is this?

24 A This is Google information providing the ownership of a  
25 particular Google account.

1 Q This did not come out of the phone; is that correct?

2 A It did not.

3 Q But is there an email address associated with this?

4 A Yes, there is.

5 Q What is that?

6 A It's the shel- -- shelrw001@gmail.com.

7 Q What's the name associated with this account?

8 A It's Randy Sheltra.

9 Q Is there -- here I've circled some numbers. What is that  
10 number?

11 A That number shows the telephone number of the phone in  
12 question.

13 Q The initials SMS are next to the phone number. What do  
14 those initials "SMS" mean?

15 A That's -- stands for short messaging service. It's the --  
16 what most people call texting.

17 MS. MASTERSON: Could we have Exhibit 17, please.

18 Q All right. I've circled a number. What's that number?

19 A That's the -- the telephone number for the phone in  
20 question.

21 Q And the username is -- or what is this document?

22 A This is the Verizon ownership information or account  
23 information. It shows the telephone number, it shows the  
24 account number, it shows the name and address of the person  
25 that owns the phone, and it also shows when the account was

1 activated.

2 MS. MASTERSON: Could we have Exhibit 49, please.

3 Q What is this?

4 A This is a text message. I'm sorry. I'm sorry. This is  
5 an email message. It's from the phone extraction.

6 Q And I just circled. What is that?

7 A That's, again, the shelrw001@gmail.com.

8 Q And the word "To" above that, what does that signify?

9 A It shows that -- the recipient of the message.

10 Q And just above that is the "From." Who is the sender of  
11 the message?

12 A It was momma.mego.vt@gmail.com.

13 Q All right.

14 MS. MASTERSON: Can we have Exhibit 50, please.

15 Q Do you recognize this?

16 A Yes, I do.

17 Q What is it?

18 A This is also another email. And it shows it's coming from  
19 the shelrw001@gmail.com account.

20 Q And do you know to whom it went?

21 A It is going to a masked address at Craigslist.

22 MS. MASTERSON: If we can go to Exhibit 51, please.

23 Q What is this?

24 A This is a text message.

25 Q Where was this found?

1 A This was also from the extraction.

2 Q All right. And who -- who was it to?

3 A It's to Randy Sheltra at 802-310-2018.

4 Q All right.

5 MS. MASTERSOHN: If we could go back to Exhibit 50,  
6 please, for a quick moment.

7 Q All right. Mr. Thornton, there's some text here that I'm  
8 circling. Would you please read this text.

9 A Yes. It's coming from a long masked Craigslist address.  
10 It says that that person at that address wrote, "Randy, I am  
11 pretty sure that you are unaware if the fact that the age of  
12 consent in Vermont is 16 since you think you can get in trouble  
13 since I'm under 18. I am VERY independent since I grew up  
14 mothering my niece and having to care for and protect myself  
15 from my siblings. I was on Craigslist looking at puppies and  
16 ended up making my way far from puppies. Thank y."

17 Q And having worked to get ready for trial, is this email  
18 one that will be found in an -- is that part of a group of  
19 emails that will be the subject of a later exhibit?

20 A Yes.

21 MS. MASTERSOHN: If we could go to Exhibit 53, please.

22 Q What is this?

23 A This is from the cell phone extraction also, and it shows  
24 two accounts contained within the phone. The first is an  
25 Amazon account, and it says the username is Randy W. Sheltra.

1 The second account is from Expedia.com for bookings, and it  
2 is -- shows the username as the shelrw001@gmail.com.

3 Q All right.

4 MS. MASTERSOHN: If we could have Exhibit 54, please.

5 Q What is this -- what is this exhibit?

6 A This was a spreadsheet document that was found within the  
7 extraction. It appeared to be an employee evaluation. It had  
8 identification on it as the employee name of Randy Sheltra, and  
9 it showed that it was from a -- as I said, it was contained  
10 within a spreadsheet document.

11 Q All right. There's a path here that I'm circling. Can  
12 you -- is there an email address embedded in that path?

13 A Yes, there is.

14 Q Would you please read that email address.

15 A It is randy.sheltra@globalfoundries.com.

16 MS. MASTERSOHN: If we could have Exhibit 55, please.

17 Q What is this exhibit?

18 A This is a statement that was found within the extraction  
19 for the cell phone. It is from John Deere Financial, and it is  
20 showing an amount due from -- it's billed to Randy W. Sheltra.

21 Q At what address?

22 A 53 Hidden Drive in Alburgh, Vermont.

23 MS. MASTERSOHN: Could we please call up Exhibit 56.

24 Q What is this?

25 A This is a Delta Dental card, and it is in the name of

1 Randy Sheltra.

2 MS. MASTERSON: Let's call up Exhibit 57, please.

3 Q What is this?

4 A This is the telephone number of the phone in question.  
5 It's the mobile subscriber international -- I forget the exact  
6 acronym, what it stands for, but it's essentially the cell  
7 phone number.

8 Q The telephone number for that phone you examined?

9 A Telephone number for the cell phone.

10 Q And lastly, let's go to Exhibit 3, please. What is this?

11 A This is a picture that I found within the extraction.

12 Q On the phone?

13 A Yes.

14 Q All right. Could you please look in the book before you,  
15 Mr. Thornton, at Government's Exhibit 26.

16 Now, in addition to the attribution evidence that we  
17 talked about, did you also conduct a search of the phone for  
18 other evidence that is relevant to the charges before the jury  
19 now?

20 A Yes.

21 Q All right. Would you look at Government's Exhibit 26 and  
22 tell the judge -- or tell the jury if you recognize it.

23 A Yes, I do. This is a series of communications via email  
24 that are contained within the phone.

25 Q And is one of the parties Mr. Sheltra's email address?

1 A At this early portion, you can't really tell because the  
2 emails are masked by Craigslist.

3 Q All right. But this document was found on the phone; is  
4 that correct?

5 A That's correct.

6 MS. MASTERSOHN: Your Honor, the Government offers  
7 Exhibit 26.

8 THE COURT: Any objection?

9 MR. KAPLAN: No, your Honor.

10 THE COURT: It's admitted.

11 (Government's Exhibit 26 was received in evidence.)

12 Q BY MS. MASTERSOHN: Would you look at Exhibit 33, please.  
13 Do you recognize that exhibit?

14 A Yes. This is another photograph found within the phone.

15 MS. MASTERSOHN: Your Honor, the Government offers  
16 Exhibit 33.

17 THE COURT: Any objection?

18 MR. KAPLAN: No, your Honor.

19 THE COURT: It's admitted.

20 (Government's Exhibit 33 was received in evidence.)

21 Q BY MS. MASTERSOHN: I notice in the lower left-hand corner  
22 of this exhibit, Mr. Thornton, there's a series of numbers and  
23 letters followed by ".jpg." What is that? What is that entry?

24 A That's the file name within the cell phone.

25 Q All right. And let's look at Exhibit 32, please. Do you

1 recognize this?

2 A Yes, I do.

3 Q What is it?

4 A This is also a picture that was within the cell phone and  
5 the extraction.

6 MS. MASTERSOHN: The Government offers Exhibit 32, your  
7 Honor.

8 THE COURT: Any objection?

9 MR. KAPLAN: No, your Honor.

10 THE COURT: It's admitted.

11 (Government's Exhibit 32 was received in evidence.)

12 Q BY MS. MASTERSOHN: Again, there's -- in extremely small  
13 print in the lower left-hand corner, there's some numbers  
14 followed by ".jpg." What is that?

15 A That is also the file name within the cell phone.

16 Q Let's look, please, to Exhibit 67. Do you recognize this?

17 A Yes, I do.

18 Q What is this?

19 A This is GPS information that was extracted in connection  
20 with one of the previous photographs.

21 Q Was -- and this is a photograph that was found on the  
22 phone?

23 A Yes.

24 MS. MASTERSOHN: The Government offers Exhibit 67.

25 THE COURT: Any objection?

1 MR. KAPLAN: If I could just look at it.

2 THE COURT: Yes.

3 MR. KAPLAN: No objection, your Honor.

4 THE COURT: 67 is admitted.

5 (Government's Exhibit 67 was received in evidence.)

6 MS. MASTERSON: All right. If we could publish this  
7 one, please.

8 MS. LaBOMBARD: 67?

9 MS. MASTERSON: Yes, please.

10 Q BY MS. MASTERSON: All right. Let's go through this, Mr.  
11 Thornton. First off, what is this entry right here?

12 A That's the file name of the photograph.

13 Q And if you could quickly turn to Exhibit 32.

14 MS. MASTERSON: No, no, no. I didn't ask you.

15 MS. LaBOMBARD: Oh, I'm sorry.

16 MS. MASTERSON: Let's stay on Exhibit 67, please.

17 Q Do you see that same number from Exhibit 67 in the lower  
18 left-hand corner of Exhibit 32?

19 A Yes, I do.

20 Q And what is this information? I mean, what is it?

21 A The information generally?

22 Q I mean, is it -- or is there a name for this?

23 A Yes. This is what we call metadata. Metadata is  
24 essentially data about data, and it's typically things like  
25 file names, file dates that the file was made or taken, in the

1 case of a photograph. There's a lot of information that can  
2 actually be appended to a given file and depending upon the  
3 file type, but this is -- this is kind of typical for a  
4 photograph in that you've got a file name, you've got file date  
5 information, when it was generated, and in this particular  
6 case, you've also got some GPS information associated with the  
7 file internally.

8 Q What device generates the metadata for a photograph like  
9 this?

10 A In this particular case, it would be a phone.

11 Q The phone that took the photo or Mr. Sheltra's phone?

12 A The phone that took the photo.

13 Q And right here I've circled some numbers in the left  
14 that -- the first one on the left begins "44." What is that  
15 information?

16 A That's the longitude and latitude, the GPS information,  
17 and it shows where the photograph was taken.

18 Q Thank you. Let's look, Mr. Thornton --

19 MS. MASTERSON: And we don't need any exhibits up on  
20 the screen. Thank you.

21 Q Mr. Thornton, will you please look at Government's Exhibit  
22 27. Do you recognize -- when you get there, will you tell us  
23 if you recognize that exhibit.

24 A Yes, I do.

25 Q What is it?

1 A This is a series of SMS or text conversations that were  
2 occurring between the defendant's phone, the 802-310-2018, and  
3 another phone.

4 Q Where was this information found?

5 A This was extracted from the cell phone.

6 MS. MASTERSOHN: The Government offers Exhibit 27.

7 THE COURT: Any objection?

8 MR. KAPLAN: Judge, could I have a minute on this,  
9 please?

10 THE COURT: Yes.

11 MR. KAPLAN: No objection, your Honor.

12 THE COURT: Exhibit 27 is admitted.

13 (Government's Exhibit 27 was received in evidence.)

14 Q BY MS. MASTERSOHN: Mr. Thornton, will you please go to  
15 Exhibit 28. Do you recognize that exhibit?

16 A Yes, I do.

17 Q What is it?

18 A This is also a photograph that was taken within -- found  
19 within the phone.

20 MS. MASTERSOHN: The Government offers Exhibit 28.

21 THE COURT: Any objection?

22 MR. KAPLAN: No objection, your Honor.

23 THE COURT: It's admitted.

24 (Government's Exhibit 28 was received in evidence.)

25 Q BY MS. MASTERSOHN: Please turn to Exhibit 29, Mr.

1 Thornton. Do you recognize that item?

2 A Yes, I do.

3 Q What is it?

4 A This is another photograph that was found within the  
5 phone.

6 MS. MASTERSON: The Government offers Exhibit 29.

7 THE COURT: Any objection?

8 MR. KAPLAN: No objection. No.

9 THE COURT: It's admitted.

10 (Government's Exhibit 29 was received in evidence.)

11 Q BY MS. MASTERSON: And again, in the lower left-hand  
12 corner, Mr. Thornton, there's some numbers that precede the  
13 ".jpg." What is that?

14 A That's the file name of the photograph.

15 Q And if you can just flip back to Exhibit 28, please. And  
16 look in the lower left-hand corner.

17 A Yes. Again, it's the file name for the photograph.

18 Q If you could turn, please, to Exhibit 30. What is that?  
19 Or do you recognize it?

20 A Yes. It's the photograph that was contained within the  
21 extraction.

22 MS. MASTERSON: The Government offers Exhibit 30.

23 MR. KAPLAN: No objection, your Honor.

24 THE COURT: It's admitted.

25 (Government's Exhibit 30 was received in evidence.)

1 Q BY MS. MASTERSON: Please turn to Exhibit 31, Mr.  
2 Thornton. Do you recognize that exhibit?

3 A Yes.

4 Q What is it?

5 A That's also a photograph contained within the phone  
6 extraction.

7 MS. MASTERSON: The Government offers Exhibit 31.

8 THE COURT: Any objection?

9 MR. KAPLAN: No objection, your Honor.

10 THE COURT: It's admitted.

11 (Government's Exhibit 31 was received in evidence.)

12 Q BY MS. MASTERSON: Please turn to Exhibit 24, Mr.

13 Thornton. Do you recognize that exhibit?

14 A Yes, I do.

15 Q What is it?

16 A This is a series of emails that were found within the  
17 phone extraction.

18 MS. MASTERSON: The Government offers Exhibit 24.

19 MR. KAPLAN: No objection.

20 THE COURT: Exhibit 24 is admitted.

21 (Government's Exhibit 24 was received in evidence.)

22 Q BY MS. MASTERSON: Mr. Thornton, please turn to Exhibit  
23 34. Do you recognize that exhibit?

24 A Yes, I do.

25 Q What is it?

1 A It's a couple of searches that were done contained within  
2 Chrome, a browser.

3 Q I'm sorry. What was that?

4 A It's a series of -- or several searches that were done and  
5 contained within the Chrome browser. I believe actually some  
6 of it's contained right to the bookmarks within the browser.

7 Q All right. And where was that -- where was the data  
8 that's contained on this exhibit found?

9 A This was also in the extraction.

10 MS. MASTERSON: Your Honor, the Government offers  
11 Exhibit 34.

12 THE COURT: Any objection?

13 MR. KAPLAN: May I inquire, Judge?

14 THE COURT: You may.

15 VOIR DIRE EXAMINATION

16 BY MR. KAPLAN:

17 Q Should a document of this sort have a date on it? Like,  
18 how can you tell when this search was done?

19 A Apparently there's two dates on there, but I can't tell  
20 when -- necessarily when the search was done. It was -- it  
21 looks like when it was bookmarked.

22 Q So where can you see the dates? Because I'm not seeing  
23 them.

24 A On the far right, sir.

25 Q April 2nd of 2016?

1 A Yes.

2 Q And then April 2nd of 2016.

3 A Yes, sir.

4 Q Okay. Thank you.

5 MR. KAPLAN: No objection, your Honor.

6 THE COURT: It's admitted.

7 (Government's Exhibit 34 was received in evidence.)

8 MS. MASTERSON: May it be published, your Honor?

9 THE COURT: Yes.

10 MS. MASTERSON: Please.

11 MS. LaBOMBARD: 34? Barb? 34, right?

12 MS. MASTERSON: Exhibit 34, yes. Thank you.

13 DIRECT EXAMINATION (Continued)

14 BY MS. MASTERSON:

15 Q All right. So what is this again, Mr. Thornton?

16 A These are two Chrome bookmarks.

17 Q All right. And here in this column that I've just  
18 circled, what is -- what is written there?

19 A It says "'taboo family winkypussy' Search - XVIDEOS.COM."

20 Q Is it repeated just below?

21 A Yes.

22 Q What is next door to it that I've just circled?

23 A That appears to be a -- yes. It's a web address for  
24 <http://www.xvideos.com> with a search indicator of the  
25 "?k=taboo+family+winkypussy."

1 Q All right. And here in this second column to the right,  
2 what is the -- what is in this column?

3 A It shows that it was synced data through Chrome and is  
4 contained within the file -- physical, file, and logical  
5 extractions that I had done.

6 Q So this bit, the source extraction, refers to the  
7 Cellebrite extraction that you conducted of the phone?

8 A Yes.

9 Q And you mentioned dates. What is in this column?

10 A Those are the dates that are associated with the searches  
11 and the bookmark.

12 Q Thank you. If you could turn, Mr. Thornton, to Exhibit  
13 35. Do you recognize this exhibit?

14 A Yes, I do.

15 Q What is it?

16 A This is what is -- was pulled from the extraction under  
17 the web history area.

18 MS. MASTERSOHN: Your Honor, the Government offers  
19 Exhibit 35.

20 THE COURT: Any objection?

21 MR. KAPLAN: No, your Honor.

22 THE COURT: 35 is admitted.

23 (Government's Exhibit 35 was received in evidence.)

24 MS. MASTERSOHN: May it be published?

25 THE COURT: Yes.

1 Q BY MS. MASTERSON: Let's start with the first entry,  
2 please.

3 All right. Mr. Thornton, for the jury's benefit, what --  
4 what is this -- what is this portion of the exhibit?

5 A This was the last web history -- or web search that was  
6 done and contained within the history of the phone, and it's  
7 for Community Drive in South Burlington, Vermont. It was a  
8 Google search. That's all shown in the "Title" column.

9 "URL" column shows where that data was searched within  
10 Google. You can see in fact within the first four or five  
11 lines it says "Community Drive South Burlington," and --

12 Q Can you circle that on the screen so the jury knows what  
13 you're looking at?

14 A Sure. Right in that area there.

15 Q And then what is this "Last Visited" information?

16 A That last -- is the date and time that the search was  
17 done.

18 Q And this last column, "Source," what does that refer to?

19 A Again, it shows that it was -- it was done within the  
20 Chrome browser within the phone and it was extracted from all  
21 three areas that I did the extraction from: the file, the  
22 logical, and the physical.

23 Q And you mentioned at the outset that this was the last  
24 search. How is it that you know that it was the last search?

25 A Well, it was the last one that I found in that area in the

1 phone.

2 Q What does the number 1 mean right here on the --

3 A It's a reverse entry on all this stuff. So typically the  
4 last one that you did is at the top. So this is the number 1.  
5 It was the last one that was done.

6 Q Thank you.

7 MS. MASTERSOHN: If we could have the balance of the  
8 exhibit.

9 Q All right. And let's -- there's a series of numbers along  
10 here. Can you just read them out -- or just -- what's the  
11 range of those numbers?

12 A It goes from 182 down to 188.

13 Q All right. And can you -- in this second column, will you  
14 please identify what it is that's being searched there.

15 A Those are basically -- what was being searched was a  
16 series of questions relating to "At what age do girls start  
17 having orgasms."

18 Q Does the language of that search term -- or that search  
19 change over the course of these, I don't know, seven entries?

20 A Yes. It changes depending upon what the actual search  
21 was, but it's -- it's all things like "when can girls orgasm,"  
22 "can you have an orgasm before puberty." Very similar-type  
23 searches regarding female orgasms.

24 Q Does that mean -- does each of these entries refer to a  
25 separate search that was done by the user of the phone, Mr.

1 Sheltra?

2 A Yes.

3 Q This middle column, what is this that I have circled?

4 A This would be the URL that was returned for positive  
5 searches or positive responses.

6 Q And "URL" means what?

7 A It's a universal resource locator. It's a web address.

8 Q And here in this third to the right column, can you tell  
9 us what that date and time of these searches, what's the range  
10 of that?

11 A The date is -- it's all the same date. It's September  
12 10th, 2017. And it's starting at 0057 hours and goes up to  
13 0059 hours. So it's just before 1:00 AM.

14 Q And because it's backwards, the first search is at 188,  
15 "female orgasm faqs," and the last search is "At what age do  
16 girls start having orgasms?" Is that correct?

17 A Yes.

18 Q And again, this last column?

19 A The last column shows, again, where it was found within  
20 the extractions that were done on the phone.

21 Q Thank you.

22 MS. MASTERSON: Liza, if we could have the next page,  
23 please.

24 Q What is this entry?

25 A This is for an entry on Craigslist, and the -- the query

1 is "Looking for Alisha - mfw [sic] - casual encounters."

2 Q And in the middle, what is this that I've circled?

3 A That -- that would be the URL again.

4 Q What's the date and time of the search?

5 A The date is September 7th, 2017, and the time is 1630,  
6 which is 4:30 PM.

7 Q And this last column again?

8 A The last column, again, shows where it was found within  
9 the extractions.

10 Q Would you please in the binder before you look at what's  
11 been marked for identification as Government's Exhibit 36. Do  
12 you recognize this?

13 A Yes.

14 Q What is it?

15 A This is, again, kind of a repeat of that same information:  
16 the date and time stamps showing searched items; the source of  
17 the -- in this case the program or the app that was used for  
18 doing the search; the value of the search, which would have  
19 been the actual question that was asked.

20 Q Let me -- did this item come from the phone?

21 A Yes, it did.

22 MS. MASTERSON: Your Honor, the Government offers  
23 Exhibit 36.

24 THE COURT: Any --

25 MR. KAPLAN: No objection, your Honor.

1                   THE COURT: It's admitted.

2                   (Government's Exhibit 36 was received in evidence.)

3                   MS. MASTERSON: All right. If we could publish it,  
4 please.

5                   THE COURT: Yes.

6                   MS. MASTERSON: Thank you.

7 Q       BY MS. MASTERSON: And let's look at just the first entry.

8 Again, Mr. Thornton, what is this?

9 A       This shows the date and time of the searched item; the  
10 source app that was done -- used for the search; the value that  
11 was entered; the origin; and then, again, the source of the  
12 extraction within the extraction from the phone.

13 Q       What significance, if any, does the number 1 here have?

14 A       That would have been, again, the last search that was  
15 done.

16                  MS. MASTERSON: Liza, if we could see the balance of  
17 the exhibit, please.

18 Q       What is this, Mr. Thornton?

19 A       This would have been, again, the entries that were made  
20 for searches on Chrome. It's the date and times of the actual  
21 searches that were entered, the source again, and then the -- a  
22 source under the extractions.

23 Q       And the date and time?

24 A       Yes.

25 Q       It looks like entries 57 through 60 have a different time,

1 is that correct, from the earlier exhibit?

2 A Yes.

3 Q Exhibit 35.

4 A Yes.

5 Q What does that mean, if anything?

6 A It may be nothing in that sometimes the phones are out --

7 slightly out of sync with the servers that are responding.

8 It's certainly within a few minutes of it, so it's hard to tell

9 exactly what was going on.

10 The other time stamp might also be generated when it was  
11 actually looked at. So it's -- it's a little hard to tell what  
12 was actually being done, but it's all certainly within the same  
13 time frame.

14 Q And it's all activity that was being done by the phone at  
15 that time?

16 A Yes.

17 Q The subject matter of these, again, is the "when can girls  
18 orgasm" query?

19 A Yes.

20 Q Would you please look at, in the folder before -- in the  
21 binder before you, Government's Exhibit 37. Do you recognize  
22 that?

23 A Yes, I do.

24 Q What is it?

25 A It's a photograph of the battery that's within the

1 phone -- or was within the phone.

2 Q Is the phone that you're referring to what has been marked  
3 for identification as Government's Exhibit 11?

4 A Yes.

5 MS. MASTERSOHN: Your Honor, the Government offers  
6 Exhibit 37.

7 THE COURT: Any objection?

8 MR. KAPLAN: No, your Honor.

9 THE COURT: It's admitted.

10 (Government's Exhibit 37 was received in evidence.)

11 MS. MASTERSOHN: May it be published?

12 THE COURT: It may.

13 Q BY MS. MASTERSOHN: Does this photograph -- or let me  
14 rephrase that.

15 Do cell phones have markings on them, cell phones -- in  
16 this case the battery, does it have a marking on it that  
17 indicates its place of manufacture?

18 A Yes.

19 Q Would you -- does this photograph show the place of  
20 manufacture of this phone?

21 A Yes, it does.

22 Q Will you circle where it says that and say what it is that  
23 you are circling.

24 A The mid level in the photograph. It says that the "Cell  
25 from Korea/Manufactured in China."

1 Q Thank you. Would you please look at Government's Exhibit  
2 38. Do you recognize this?

3 A Yes, I do.

4 Q What is it?

5 A This is a picture of the -- the battery, the actual cell  
6 phone, and then the back of the cell phone.

7 Q And is that related to what's been marked for  
8 identification as Government's Exhibit 11?

9 A Yes, it is.

10 MS. MASTERSON: The Government offers Exhibit 38.

11 THE COURT: Any objection?

12 MR. KAPLAN: No objections, your Honor.

13 THE COURT: It's admitted.

14 (Government's Exhibit 38 was received in evidence.)

15 MS. MASTERSON: May it be published?

16 THE COURT: It may.

17 MS. MASTERSON: And, Ms. LaBombard, can you blow up  
18 the white bit in the middle of it. Yeah. Is there any way to  
19 turn it?

20 MS. LaBOMBARD: It won't alternate that section.

21 Like, I would have to do the whole photograph.

22 MS. MASTERSON: Can you --

23 MS. LaBOMBARD: I'll try that.

24 MS. MASTERSON: Please.

25 MS. LaBOMBARD: It's not going to let me rotate it.

1 MS. MASTERSON: All right. Can you just blow it up,  
2 please.

3 MS. LaBOMBARD: Sure.

4 Q BY MS. MASTERSON: Mr. Thornton, you may want to use the  
5 book. Looking at this white area, does this -- does the cell  
6 phone -- or do cell phones in general, your training and  
7 experience, indicate the place of manufacture?

8 A Yes, they do, typically.

9 Q And this photograph is of the cell phone that was -- that  
10 is Exhibit 11; is that correct?

11 A That's correct.

12 Q Okay. On this exhibit, can you identify where is the  
13 place of manufacture of that cell phone?

14 A It says "Made in China." It's -- yes. Thank you.

15 THE COURT: All right. We're at the 4:30 mark, so  
16 we're going to end for the day. And I'm going to excuse the  
17 jury first.

18 Do not talk about the case. Do not let anybody talk to  
19 you about the case. Don't do any independent research. Don't  
20 communicate in any way to anyone whatsoever about the case.  
21 You can tell your family members and friends that you are  
22 sitting on a criminal trial. You cannot tell them anything  
23 else.

24 I wish you a good evening. We'll see you back here at  
25 9:00 in the morning.

1                   (The jury exited the courtroom, after which the following  
2 was held in open court at 4:32 PM.)

3                   THE COURT: Anything to bring to my attention before  
4 we take our own break for the day?

5                   MS. MASTERTON: No, your Honor.

6                   MR. KAPLAN: No, your Honor.

7                   THE COURT: All right. I wish you a good evening.  
8 I'll see you in the morning.

9                   (Court was in recess at 4:32 PM.)

10

11

12

C E R T I F I C A T I O N

13                  I certify that the foregoing is a correct transcript from  
14 the record of proceedings in the above-entitled matter.

15

16

17 January 25, 2021

Johanna Massé

Digitally signed by Johanna Massé  
Date: 2021.01.25 11:40:09 -05'00'

18                   Johanna Massé, RMR, CRR

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